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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. And that was offensive to you, but</p> <p>3 standing in the bathroom and showing your</p> <p>4 breasts to another person is not offensive?</p> <p>5 A. To Mandy, my friend, no.</p> <p>6 Q. What about to Mandy and Mackenzie?</p> <p>7 A. Mackenzie was not there.</p> <p>8 Q. What was the result of your</p> <p>9 comparison of your breasts with Mandy?</p> <p>10 MR. THOMPSON: Objection.</p> <p>11 Q. Did you declare a winner?</p> <p>12 A. What do you mean.</p> <p>13 Q. Did you declare a winner?</p> <p>14 MR. THOMPSON: Objection.</p> <p>15 A. Did we declare a winner?</p> <p>16 Q. Yes.</p> <p>17 A. We each declared winners.</p> <p>18 Q. You each claimed to be the winner?</p> <p>19 A. Yes.</p> <p>20 Q. You claimed to have the best</p> <p>21 nipples and she claimed to have the best</p> <p>22 nipples?</p> <p>23 A. Yes.</p> <p>24 Q. Do you enjoy -- Ms. Guzman, you</p> <p>25 enjoy watching male strippers?</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. Not particularly, no.</p> <p>3 Q. Have you ever seen a male stripper</p> <p>4 perform?</p> <p>5 A. Yes.</p> <p>6 Q. Have you ever seen a male stripper</p> <p>7 named El Bestio or La Bestia perform?</p> <p>8 A. Yes.</p> <p>9 Q. He's a male stripper known for</p> <p>10 his --</p> <p>11 MR. THOMPSON: Say it.</p> <p>12 Q. -- large endowment?</p> <p>13 A. Yes.</p> <p>14 Q. And have you discussed El Bestio</p> <p>15 with a female colleague at work?</p> <p>16 A. I actually reported on El Bestio at</p> <p>17 work. It was a Page Six item.</p> <p>18 Q. And did you tell -- did you tell a</p> <p>19 female colleague that you have his phone</p> <p>20 number if she wanted it?</p> <p>21 A. I may have.</p> <p>22 Q. Did you comfort Mandy Stadtmiller</p> <p>23 when she was breaking up with her boyfriend</p> <p>24 Elijah that if all else fails, you have El</p> <p>25 Bestio's business card?</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. I was trying to cheer up a</p> <p>3 colleague who was depressed because she was</p> <p>4 having relationship problems, and she was</p> <p>5 coming to me because she was feeling sad about</p> <p>6 her relationship falling apart. So, it was a</p> <p>7 metaphor for, you're going to be okay. You're</p> <p>8 going to be okay.</p> <p>9 Q. But you did say it?</p> <p>10 A. Yes.</p> <p>11 Q. And you've used foul language at</p> <p>12 work, haven't you?</p> <p>13 A. Foul language?</p> <p>14 Q. Yes. Four letter words, the</p> <p>15 F-word?</p> <p>16 A. What else?</p> <p>17 Q. Dick, D-I-C-K?</p> <p>18 A. I may have.</p> <p>19 Q. Didn't you tell one of your</p> <p>20 colleagues that your husband says that you act</p> <p>21 like your dick is bigger than his?</p> <p>22 A. Mandy, again, is writing a story,</p> <p>23 she's querying. I remember this. Mandy</p> <p>24 writes about irreverent subjects. She writes</p> <p>25 about sex and dating at The Post and she --</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. It's a yes or no question,</p> <p>3 Ms. Guzman.</p> <p>4 A. Yes, yes, yes.</p> <p>5 Q. I'm going to show you Guzman</p> <p>6 Exhibit 17, Bates number NYP '3838.</p> <p>7 (Defendant's Guzman Exhibit 17,</p> <p>8 document bearing Bates number NYP</p> <p>9 '3838, marked for identification, as</p> <p>10 of this date.)</p> <p>11 Q. Have you had a chance to look at</p> <p>12 it?</p> <p>13 A. Yes.</p> <p>14 Q. And did you write the e-mail on top</p> <p>15 of this exhibit to Mandy Stadtmiller saying,</p> <p>16 "I think my husband would def say he married a</p> <p>17 bitch, but not for attribution or publication.</p> <p>18 He says that I act like my dick is bigger than</p> <p>19 his."</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 A. If you keep reading it says, "of</p> <p>22 course it's all said in a very joking manner."</p> <p>23 Q. And then it continues, "but I</p> <p>24 understand his profound feeling about bitchy</p> <p>25 ways"?</p>

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1 SANDRA GUZMAN-10/13/11
2 questions about this? Okay, there you go.

3 MR. THOMPSON: It's part of the
4 exhibits.

5 A. Can I have it? You're confusing
6 me.

7 Q. What's your definition of sexual
8 harassment?

9 A. My definition of sexual harassment
10 at the workplace, when I am depicted as a sex
11 object. When I am called sexy and when a man
12 rubs his penis against female employees,
13 touches them. When there's an environment
14 where women don't feel comfortable because
15 there's lewd and vulgar environment that keeps
16 her from working there without feeling like
17 she's being constantly humiliated, demeaned
18 because of her gender.

19 Q. Ms. Guzman, do you know a man named
20 Steve Soldwedel?

21 A. Yes.

22 Q. Did you ever harass him?

23 A. No.

24 Q. I'm going to show you an e-mail
25 that he wrote to you. It's going to be Guzman

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1 SANDRA GUZMAN-10/13/11

2 Q. And what did you do to
3 Mr. Soldwedel that provoked him to respond to
4 you and write this e-mail?

5 A. I was -- we were working on a story
6 about the new technology of DNA that allows
7 human beings to discover their heritage and he
8 was participating in the story. And there was
9 a photo shoot in Central Park with five other
10 people and I authorized a purchase of
11 magazine -- of T-shirts and I bought a
12 T-shirt. I guess this T-shirt that he wore
13 was two or three sizes extra large and
14 throughout the shoot, he kept complaining that
15 his T-shirt was big. And what I said to him
16 was, Steve, did you want a tighter T-shirt.
17 I'm sorry, did you want a tighter T-shirt.

18 Q. That's it?

19 A. That's it.

20 Q. And he -- your testimony is that
21 that's what he -- provoked him to say you
22 crossed the line twice, you made aspersions
23 about his sexuality. That you were tasteless,
24 rude and disrespectful?

25 A. That's right.

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1 SANDRA GUZMAN-10/13/11
2 Exhibit 22, NYP '1739.

3 (Defendant's Guzman Exhibit 22,
4 document bearing Bates number NYP
5 '1739, marked for identification, as
6 of this date.)

7 Q. And in this e-mail he wrote to you,
8 "Sandra, you may think sexual harassment is
9 something only men can do to women, but you
10 crossed the line twice today. You don't know
11 me nearly well enough to make aspersions about
12 my sexuality. You may find it funny, but I
13 finds it tasteless, rude and utterly
14 disrespectful. Particularly for you to make
15 your remarks in the company of others. Be
16 thankful I have the tact to hold my tongue.
17 You would not like to be on the receiving end
18 of what your comments inspired me to say. If
19 you continue to speak of me in such a base and
20 disgusting manner, I'll continue not to
21 retort, but this will be a matter for human
22 resources."

23 Did you receive that e-mail from
24 him on or about October 31, '08?

25 A. Yes.

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1 SANDRA GUZMAN-10/13/11

2 Q. And you wrote to him that you
3 regretted that anything you said to him was
4 felt as offensive to him, right?

5 A. Yes, I was surprised. I was
6 shocked.

7 Q. I'm going so show you Guzman
8 Exhibit 23, NYP '1670 and '1669. It's in
9 reversed Bates order.

10 (Defendant's Guzman Exhibit 23,
11 document bearing Bates numbers '1669
12 through '170, marked for
13 identification, as of this date.)

14 Q. I'm going to ask you a question
15 about the e-mail at the top of the page. You
16 can have a chance to look at it, but the
17 question I'm going to ask you is why did you
18 say it's clear from this picture that Steve is
19 black?

20 A. We were doing a story about DNA and
21 heritage and race and this is like it's
22 obviously that he could be black. He's
23 obviously not black. We were trying to
24 discover people's heritage through the DNA.

25 Q. And were you trying to be funny?

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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 A. It was just -- yeah, it was just</p> <p>3 like oh, it's clear he's black. Let's see</p> <p>4 what the DNA finds out.</p> <p>5 Shirley is the Reporter on the</p> <p>6 story.</p> <p>7 Q. Is Steve Soldwedel black?</p> <p>8 A. We discovered, in fact, that he</p> <p>9 thought he was Italian. And we discovered</p> <p>10 that he's actually German with gene mutation.</p> <p>11 Q. Does the picture -- does the</p> <p>12 picture appear to be a picture of a white</p> <p>13 person or a black person?</p> <p>14 A. He appears to be white. Now, the</p> <p>15 story we was.</p> <p>16 Q. Now, why do you say it's clear from</p> <p>17 the picture that Steve is black?</p> <p>18 A. She's working on a story about DNA.</p> <p>19 It's, you know, it's like this is what we're</p> <p>20 going to find out, that he's black.</p> <p>21 Q. So, it was a joke?</p> <p>22 A. I think so.</p> <p>23 Q. Was this a racist comment?</p> <p>24 A. No. In fact, the whole story was</p> <p>25 about finding people's race. Finding people's</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 heritage. In fact, this -- the reporter</p> <p>3 thought she was Jewish because she had a</p> <p>4 pension for loving synagogues as a child. So,</p> <p>5 she wanted to find out if she had Jewish</p> <p>6 ancestry.</p> <p>7 Q. If a white person wrote, it's clear</p> <p>8 from this picture that Sandra is black about</p> <p>9 you, would that be -- would you regard that as</p> <p>10 offensive or racist?</p> <p>11 A. In this context when we're trying</p> <p>12 to do a DNA story, no.</p> <p>13 Q. Do you ever work with somebody</p> <p>14 named Josh Williams?</p> <p>15 A. You know, that name doesn't really</p> <p>16 sound that familiar.</p> <p>17 Q. Did you -- was there a photographer</p> <p>18 that you worked with at The Post named Josh</p> <p>19 Williams?</p> <p>20 A. There were many photographers that</p> <p>21 I worked with.</p> <p>22 Q. Did you see Josh Williams at The</p> <p>23 Plumm -- party at The Plumm that celebrated</p> <p>24 the Page Six Magazine opening?</p> <p>25 A. I don't remember.</p>
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<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. You were at that party, right?</p> <p>3 A. I was.</p> <p>4 Q. You don't remember if you saw Josh</p> <p>5 Williams though?</p> <p>6 A. No.</p> <p>7 Q. Do you remember anything you said</p> <p>8 to Josh Williams?</p> <p>9 A. I don't.</p> <p>10 Q. Do you remember any physical</p> <p>11 contact you had with Josh Williams?</p> <p>12 A. No.</p> <p>13 Q. Are there any Post photographers to</p> <p>14 whom you said, if I weren't married, I'd love</p> <p>15 to have my way with you?</p> <p>16 A. I don't remember saying that.</p> <p>17 Q. Is it possible you said that to</p> <p>18 him?</p> <p>19 A. Maybe. I don't remember.</p> <p>20 Q. And do you remember slapping his</p> <p>21 rear end?</p> <p>22 A. No.</p> <p>23 Q. Do you remember groping him that</p> <p>24 night?</p> <p>25 A. Oh, my God, no.</p>	<p>1 SANDRA GUZMAN-10/13/11</p> <p>2 Q. Is it possible you slapped his rear</p> <p>3 end?</p> <p>4 A. I don't think so.</p> <p>5 Q. Is it possible?</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. I don't know.</p> <p>8 Q. Were you drunk at the party?</p> <p>9 A. No.</p> <p>10 Q. You might have said, if I weren't</p> <p>11 married, I'd love to have my way with you?</p> <p>12 That's something you might have said?</p> <p>13 A. Maybe I was flirting with him.</p> <p>14 Q. Is there anybody else that you</p> <p>15 flirted with at that party?</p> <p>16 A. No. I don't know.</p> <p>17 Q. Are there any other men who work at</p> <p>18 The Post with whom you flirted?</p> <p>19 A. At that party?</p> <p>20 Q. No, at The Post, at any time?</p> <p>21 A. No. I can't recall right now.</p> <p>22 Q. Do you know if a complaint was ever</p> <p>23 filed against you?</p> <p>24 A. I'm not aware of any complaints</p> <p>25 being filed against me.</p>

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A. Yes.

Q. And that was throughout 2009 right?

A. Yes.

Q. And did you also learn that ads were not selling for other special sections like the Israeli Day parade, the St. Patrick's Day parade and black history months?

A. Yes.

Q. Sales were weak for the special sections across the board, correct?

A. I believe sales were weak in general for all newspapers.

Q. And when they're weak in general for all newspapers, they're weakest for ethnic advertising, right?

A. I believe that its ethnic market are more adversely effected.

Q. And Tempo lost some big national advertisers in 2009, correct?

A. When Sami left who had those contacts, when she was fired, Tempo also lost those accounts.

Q. What accounts were those?

A. I don't really remember them all.

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I know that she went after Johnny Walker and Macy's and she went after JCPenney. She went after cell phones. She did fashion/beauty, so I don't remember all of the accounts. But Sami brought expertise to the sales staff.

Q. And do you know why Sami was let go?

A. I could tell you what she told me.

Q. Do you know the reasons?

A. She told me that they were cutting back.

Q. And did you go out and try to solicit advertisement investments from Johnny Walker, Macy's, JCPenney or cell companies?

A. I personally did not go from time to time if these sales staff felt that I could talk about the content of Tempo and explain it, so that potential advertisers could understand the newspaper and could understand what Tempo was. I was invited, and depending on my time, I would either go or not.

Q. And who would you work with when you were invited to those, was it Rob Hauptman?

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A. Well, I worked with Patrick Judge who was the head of sales at times.

Q. And was Pat Judge -- sorry.

MR. THOMPSON: She's not finished, Mr. Lerner.

A. Christina Rallo sometimes. Robert Hauptman. After Sami left, different -- different, it seemed like there were different salespeople put on, on the sales of that section.

Q. And did you ever have conversations with Pat Judge about his and his team's efforts to sell ads for Tempo?

A. Yes.

Q. What was the nature of those conversations?

A. Patrick Judge said he was trying to be the best that he could. He missed Sami's expertise and he was doing the best he could.

Q. And do you have any reason to believe he wasn't sincere?

A. I don't have any reason to believe he was insincere.

Q. In 2007, Ms. Guzman, you started

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working on some sections other than Tempo; is that correct?

A. Yes, my responsibilities had edit responsibilities.

Q. And am I right that those started in 2007?

A. Yes, maybe earlier. I'm not -- I'm not quite sure of the year, but midway into my time at The Post.

Q. Well, let's take a look at NYP '437.

I'm showing you Exhibit Guzman 28, which is Bates number NYP '437 through '439?

(Defendant's Guzman Exhibit 28, document bearing Bates numbers NYP '437 through '439, marked for identification, as of this date.)

Q. This is an executive committee agenda and minutes. And I'm going to direct your attention to the second page.

Before I do, you'll note the date is January of '07. And on the second page under Tempo P and L, there's the line, "Col is giving Sandra Guzman, Tempo editor, additional

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1 SANDRA GUZMAN-10/13/11
 2 work to support her salary." You see that?
 3 A. Yes.
 4 Q. So does that refresh your
 5 recollection that your you started getting
 6 additional work apart from Tempo on other
 7 special sections around the beginning of '07?
 8 A. Yes.
 9 Q. Until that time your special
 10 section responsibilities had been limited to
 11 Tempo, correct?
 12 A. Yes. And I also contributed to
 13 other parts of the paper. I wrote stories
 14 that appeared in the features section in the
 15 news section, and I helped research stories.
 16 I covered stories. So, in addition to Tempo.
 17 Q. Understood.
 18 MR. THOMPSON: No, she's not
 19 finished.
 20 MR. LERNER: That's not my
 21 question.
 22 MR. THOMPSON: She's answering
 23 your question. You, once again, for
 24 the tenth time, you're stopping this
 25 witness from answering your question.

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1 SANDRA GUZMAN-10/13/11
 2 started working on in 2007, when Col Allan
 3 assigned you some additional duties, were
 4 sections that were -- at the time had been
 5 edited by a woman named Carole Sovocool,
 6 correct?
 7 A. Yes.
 8 Q. And Carole Sovocool was special
 9 sections editor, correct?
 10 A. Yes.
 11 Q. Her responsibilities at The Post
 12 was special section editing, correct?
 13 A. Yes.
 14 Q. And she remained an employee of The
 15 Post throughout your tenure and after your
 16 termination by The Post, correct?
 17 A. I don't know about after my
 18 termination, but certainly until 2009.
 19 Q. Ms. Guzman, I'm going to show you a
 20 stack of documents. This is marked
 21 Defendant's Exhibit Guzman 2009 --
 22 MR. THOMPSON: It's not marked
 23 Defendant's Exhibit Guzman 2009. It's
 24 Guzman 29.
 25 MR. LERNER: Sorry, Guzman 29.

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1 SANDRA GUZMAN-10/13/11
 2 A. So --
 3 MR. THOMPSON: This is responsive
 4 to your question.
 5 Please continue.
 6 A. So, in addition to working on
 7 Tempo, I also contributed --
 8 MR. LERNER: Just for the record,
 9 Ken, my question was: Until that time
 10 your special section responsibilities
 11 had been limited to Tempo, correct?
 12 She's going through every
 13 responsibility she had at The Post.
 14 My question was what her special
 15 section responsibilities were; okay.
 16 So, she's not responsive to my
 17 question.
 18 MR. THOMPSON: Are you finished,
 19 Ms. Guzman?
 20 THE WITNESS: Yes.
 21 Q. Previously, prior to 2007, the only
 22 special sections you had edited were Tempo,
 23 correct?
 24 A. Yes.
 25 Q. And the special sections that you

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1 SANDRA GUZMAN-10/13/11
 2 (Defendant's Guzman Exhibit 29,
 3 document bearing Bates numbers NYP
 4 '2405 through '428, marked for
 5 identification, as of this date.)
 6 Q. It's Bates number '2405 through
 7 '2428 with a cover sheet that says Bates
 8 numbers, NYP '2405 through '2428.
 9 You see that?
 10 A. Yes.
 11 Q. Are these the special sections that
 12 you edited of The New York Post in the year
 13 2007?
 14 A. This --
 15 Q. Other than Tempo.
 16 A. Yes. There may be more. I don't
 17 recollect, but I certainly edited these two,
 18 yes.
 19 Q. Well, can you think, as you sit
 20 here now, Ms. Guzman, can you think of any
 21 other special sections that you edited in
 22 2007?
 23 A. I can't think of any. I'll have to
 24 look back.
 25 Q. Exhibit Guzman 30 is Bates number

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'2429 through '2536. I'm going to have the same question for you, which is: Are these the special sections that you edited at The New York Post in 2008 other than Tempo?

(Defendant's Guzman Exhibit 30, document bearing Bates numbers NYP '2429 through '536, marked for identification, as of this date.)

Q. And if you'll notice they actually are individually stapled. So, you don't have to turn each page.

A. Yes.

Q. So, is this -- are these the special sections that you edited in 2008?

A. These are the ones that were published, yes.

Q. And did you have an opportunity to count the number that are here?

A. The sections?

Q. Yes.

A. One, two, three, four, five, six, seven, eight, nine, ten. Eleven?

MR. DATOO: Count them slowly.

MR. LERNER: I count 11.

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identification, as of this date.)

Q. Which are Bates NYP '2537 through '2607.

Are these the special sections other than Tempo that you edited in 2009?

A. There may be. There's some missing.

Q. What's missing?

A. St. Patrick's Day may be missing.

Q. Did St. Patrick's Day -- did the St. Patrick's Day section get published in 2009?

A. I believe so.

Q. Were you the editor of it?

A. Yes. The casino section, several casino sections. Real estate section.

Q. Were you the editor of the casino section?

A. Whenever Carole -- Carole had a death in the family. Her father was dying. And I was asked to edit and take over some of her sections.

And real estate and casino was among them. And I also edited all the parade

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MR. DATOO: That's what I have.

Q. Ms. Guzman, so these are the special sections that you edited that were published?

A. That saw publication.

Q. And you edited sections that were not published in 2008?

A. What happens is, if they're on the calendar, I start assigning stories, recruiting writers, assigning stories and some of them were published either in community paper or in The Post, or not at all or killed. So, I did a lot of work that may not be reflected in the actual publication.

The way that a newspaper works is every day, the size of the newspaper fluctuates depending on news. So, what I can tell you is that these were the ones that were published, but it doesn't reflect all of the work that I did.

Q. Handing you Guzman Exhibit 31.

(Defendant's Guzman Exhibit 31, document bearing Bates numbers NYP '2537 through '2607, marked for

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sections.

So, I edited the Columbus and the St. Patrick's Day parade, which I believe -- which I believe were published that year.

Q. Well, Columbus Day is in October and you were terminated in September, right?

A. Well, would have edited, yes.

Q. It would have been published after you were no longer an employee of The Post right?

A. Right. So, I meant to the St. Patrick's Day parade, which would have been in March and I helped prepare the casino and the real estate and I helped prepare July 4th parade that are not reflected in the packet that you've given me.

MR. LERNER: We're going to go off the record.

THE VIDEOGRAPHER: The time is 8:14 p.m. We're going offer the record.

(Whereupon, an off-the-record discussion was held.)

THE VIDEOGRAPHER: The time is

CONTAINS CONFIDENTIAL PORTIONS

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<p>1 Guzman</p> <p>2 THE VIDEOGRAPHER: Will the court</p> <p>3 reporter please swear in the witness?</p> <p>4 SANDRA GUZMAN, called as a witness by the</p> <p>5 Defendants, having been duly sworn,</p> <p>6 testified as follows:</p> <p>7 MR. THOMPSON: Let the record</p> <p>8 reflect that this deposition was</p> <p>9 scheduled to begin at 10:00 a.m.</p> <p>10 We did not start at 10:00 a.m.</p> <p>11 despite the fact that Ms. Guzman was</p> <p>12 sitting and ready to begin because of</p> <p>13 opposing counsel. This deposition is</p> <p>14 starting almost 20 minutes after the</p> <p>15 start date.</p> <p>16 MR. LERNER: The record will also</p> <p>17 reflect if you look it up that the FDR</p> <p>18 Drive has been closed for two to three</p> <p>19 hours this morning due to a tractor</p> <p>20 trailer getting on the southbound FDR</p> <p>21 and getting stuck and created</p> <p>22 significant traffic problems in the</p> <p>23 city. I come from the north to get to</p> <p>24 the deposition. To get to the office so</p> <p>25 I was delayed some minutes by that. And</p>	<p>1 Guzman</p> <p>2 that is the reason so I apologize,</p> <p>3 Mr. Thompson, but that is the reason for</p> <p>4 the delay.</p> <p>5 EXAMINATION</p> <p>6 BY MR. LERNER:</p> <p>7 Q. Ms. Guzman, you testified in</p> <p>8 October that Les Goodstein told you you</p> <p>9 looked sexy and beautiful in the office,</p> <p>10 right?</p> <p>11 Do you remember that?</p> <p>12 A. Yes.</p> <p>13 Q. Where did he tell you you looked</p> <p>14 sexy and beautiful?</p> <p>15 A. When I saw him in the elevator.</p> <p>16 When I saw him in the News Corp.</p> <p>17 cafeteria on the third floor.</p> <p>18 And when I met with him in his</p> <p>19 office on the fifth floor.</p> <p>20 And any chance and any moment that</p> <p>21 I bump into him randomly in the building, he</p> <p>22 would comment.</p> <p>23 Q. All right.</p> <p>24 When was the first time he told</p> <p>25 you that you looked sexy and beautiful?</p>
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<p>1 Guzman</p> <p>2 A. It was probably the second</p> <p>3 meeting. He commented --</p> <p>4 Q. Was that in his office?</p> <p>5 A. He commented on my dress and on my</p> <p>6 shoes and how beautiful I looked in them.</p> <p>7 Q. And what kind of dress, what was</p> <p>8 the dress you were wearing?</p> <p>9 A. Simple black dress.</p> <p>10 Q. What were your shoes?</p> <p>11 A. Black shoes.</p> <p>12 Q. And what was the location of that</p> <p>13 conversation?</p> <p>14 A. Elevator on the third floor.</p> <p>15 Q. And was that a chance meeting in</p> <p>16 the elevator or were the two of you going</p> <p>17 somewhere together?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 THE WITNESS: We were going to a</p> <p>20 meeting.</p> <p>21 BY MR. LERNER:</p> <p>22 Q. What meeting?</p> <p>23 A. A meeting that he called to</p> <p>24 discuss one of the sections that I worked</p> <p>25 on.</p>	<p>1 Guzman</p> <p>2 Q. And where were you going for that</p> <p>3 meeting?</p> <p>4 A. Third floor conference room.</p> <p>5 Q. Was Sami Marerro also in</p> <p>6 attendance at that meeting?</p> <p>7 A. Yes.</p> <p>8 Q. What about Tony Martinez?</p> <p>9 A. I don't remember if Tony was</p> <p>10 there.</p> <p>11 Q. And he told you that -- did he say</p> <p>12 that your dress looked -- what exactly was</p> <p>13 the word or words he used to describe your</p> <p>14 black dress on that occasion?</p> <p>15 A. You are looking beautiful and sexy</p> <p>16 today.</p> <p>17 Q. And was Ms. Marerro with the two</p> <p>18 of you in the elevator when he said that?</p> <p>19 A. No.</p> <p>20 Q. The two of you proceeded from the</p> <p>21 elevator to the third floor conference room</p> <p>22 and joined Ms. Marerro?</p> <p>23 A. Yes. We joined about 20 people</p> <p>24 from the sales staff.</p> <p>25 Q. And where did you get on the</p>

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<p>1 Guzman</p> <p>2 elevator?</p> <p>3 A. The ninth floor.</p> <p>4 Q. Do you know why -- withdrawn.</p> <p>5 Mr. Goodstein's office was not on</p> <p>6 the ninth floor of the building, right?</p> <p>7 A. No.</p> <p>8 Q. So do you know why it is that</p> <p>9 Mr. Goodstein and you got on the elevator at</p> <p>10 the ninth floor? If you understand the</p> <p>11 question why was Mr. Goodstein getting on</p> <p>12 the elevator with you on the ninth floor?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 THE WITNESS: I didn't say that he</p> <p>15 got on the elevator on the ninth floor.</p> <p>16 BY MR. LERNER:</p> <p>17 Q. Okay. So how did you -- were you</p> <p>18 already on the elevator when he got on?</p> <p>19 A. I told you this happened on the</p> <p>20 third floor elevator so I was going down.</p> <p>21 Q. To the third floor?</p> <p>22 A. And I was -- right. On the third</p> <p>23 floor by the elevators.</p> <p>24 Q. So it wasn't in the elevator now</p> <p>25 you are saying it was by the elevator?</p>	<p>1 Guzman</p> <p>2 MR. THOMPSON: Objection.</p> <p>3 THE WITNESS: I am saying it was</p> <p>4 by the elevators, yes, on the third</p> <p>5 floor.</p> <p>6 BY MR. LERNER:</p> <p>7 Q. Okay. Because earlier you</p> <p>8 testified that it was in the elevator.</p> <p>9 A. It was outside the elevators on</p> <p>10 the third floor.</p> <p>11 Q. So five minutes ago when you said</p> <p>12 it was in the elevator you were wrong?</p> <p>13 A. I am clarifying exactly where this</p> <p>14 man Les Goodstein approached me and sexually</p> <p>15 harassed me.</p> <p>16 Q. Well, I appreciate the</p> <p>17 clarification.</p> <p>18 A. Thank you.</p> <p>19 Q. But it doesn't appear to be a</p> <p>20 clarification. It appears to be a change.</p> <p>21 MR. THOMPSON: Objection. Is that</p> <p>22 a question?</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Is that correct?</p> <p>25 MR. THOMPSON: Objection.</p>
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<p>1 Guzman</p> <p>2 THE WITNESS: You asked me a</p> <p>3 question and I am answering it. I am</p> <p>4 clarifying the exact place where this</p> <p>5 exchange took place. The third floor by</p> <p>6 the elevator banks.</p> <p>7 BY MR. LERNER:</p> <p>8 Q. You testified before the last time</p> <p>9 we were together that -- you understand it</p> <p>10 is important to be precise and clear with</p> <p>11 your words, right?</p> <p>12 A. I understand.</p> <p>13 Q. And was anybody else present</p> <p>14 within earshot when Mr. Goodstein told you</p> <p>15 that your dress looked sexy and beautiful?</p> <p>16 A. Not that I can recall.</p> <p>17 Q. Did the two of you then walk</p> <p>18 together to the third floor conference room?</p> <p>19 A. Yes.</p> <p>20 Q. And is there anything else he said</p> <p>21 on that occasion about you or your</p> <p>22 appearance that you can recall?</p> <p>23 A. No.</p> <p>24 Q. And is there anything else about</p> <p>25 his -- did he -- is there anything else that</p>	<p>1 Guzman</p> <p>2 he did on that occasion that caused you to</p> <p>3 feel -- that you believe was inappropriate?</p> <p>4 A. Yes.</p> <p>5 Q. On that particular occasion?</p> <p>6 A. Yes. Every time I saw</p> <p>7 Mr. Goodstein.</p> <p>8 Q. No. Ms. Guzman, I am asking</p> <p>9 specifically about the occasion when you</p> <p>10 were outside the elevators on the third</p> <p>11 floor on your second meeting walking to the</p> <p>12 conference room, do you have a recollection</p> <p>13 of anything Mr. Goodstein did on that</p> <p>14 occasion?</p> <p>15 MR. THOMPSON: Mr. Lerner, don't</p> <p>16 raise your voice to the witness.</p> <p>17 THE WITNESS: Is there a reason</p> <p>18 why you are raising my voice. I am --</p> <p>19 BY MR. LERNER:</p> <p>20 Q. I just want to be clear in your</p> <p>21 testimony.</p> <p>22 MR. THOMPSON: I want the record</p> <p>23 to be clear that Mark Lerner is raising</p> <p>24 his voice at Ms. Guzman. She is not a</p> <p>25 child. She is a grown woman. You have</p>

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<p style="text-align: right;">Page 392</p> <p>1 Guzman</p> <p>2 to give her respect. If you are not</p> <p>3 going to give her respect we are going</p> <p>4 to stop this deposition. You will not</p> <p>5 raise your voice to this witness.</p> <p>6 MR. LERNER: We will stop the</p> <p>7 deposition if you interfere with it. We</p> <p>8 have a video recorder here so the record</p> <p>9 does not require you to characterize</p> <p>10 what is going on in the room. My --</p> <p>11 MR. THOMPSON: I will state my</p> <p>12 position.</p> <p>13 MR. LERNER: Excuse me, I am not</p> <p>14 done.</p> <p>15 MR. THOMPSON: Any time you raise</p> <p>16 your voice to my client --</p> <p>17 MR. LERNER: I am not finished.</p> <p>18 MR. THOMPSON: That is a fact.</p> <p>19 MR. LERNER: I am not finished.</p> <p>20 MR. THOMPSON: Don't do that. It</p> <p>21 is --</p> <p>22 MR. LERNER: I will conduct the</p> <p>23 deposition in the tone of voice --</p> <p>24 MR. THOMPSON: Properly.</p> <p>25 MR. LERNER: I will conduct the</p>	<p style="text-align: right;">Page 393</p> <p>1 Guzman</p> <p>2 deposition.</p> <p>3 MR. THOMPSON: Not improperly.</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Ms. Guzman, is there anything else</p> <p>6 that you recall specifically on the occasion</p> <p>7 of your second meeting with Mr. Goodstein</p> <p>8 when you were walking from the elevators on</p> <p>9 the third floor to a conference room that he</p> <p>10 did besides telling you your dress or you</p> <p>11 looked sexy and beautiful?</p> <p>12 A. He looked at me in a very</p> <p>13 lascivious way and he looked at me, checked</p> <p>14 me out up and down.</p> <p>15 Q. And how long did that take?</p> <p>16 MR. THOMPSON: Objection.</p> <p>17 THE WITNESS: It felt like an</p> <p>18 eternity.</p> <p>19 I am not going to work to be</p> <p>20 looked at lasciviously by somebody who</p> <p>21 is supervising sales of the section I</p> <p>22 worked for.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Did you say anything to him about</p> <p>25 it?</p>
<p style="text-align: right;">Page 394</p> <p>1 Guzman</p> <p>2 A. No.</p> <p>3 Q. What was your response?</p> <p>4 A. Disgusted.</p> <p>5 Q. No. What was your verbal or</p> <p>6 physical response if any?</p> <p>7 A. I just ignored him and I walked to</p> <p>8 the conference room.</p> <p>9 Q. What was lascivious about his</p> <p>10 look?</p> <p>11 A. The way that he looked at me up</p> <p>12 and down as if he is checking someone who is</p> <p>13 naked, a woman is naked.</p> <p>14 Q. And what does that look like?</p> <p>15 A. As a woman?</p> <p>16 Q. No. What did it look like to you?</p> <p>17 A. As a woman -- I am going to</p> <p>18 describe it, sir. As a woman you know it</p> <p>19 when you see it.</p> <p>20 Q. Well, explain for the jury which</p> <p>21 will be composed of potentially men and</p> <p>22 women how that appears or what it actually</p> <p>23 consists of?</p> <p>24 A. So he is slowly taking a look from</p> <p>25 head to toe at my body as if he is observing</p>	<p style="text-align: right;">Page 395</p> <p>1 Guzman</p> <p>2 someone who is naked. A woman is naked.</p> <p>3 Q. But his comment to you was on your</p> <p>4 dress, right?</p> <p>5 A. I was wearing the dress. It is</p> <p>6 how the dress looked on me.</p> <p>7 Q. And he commented on the dress,</p> <p>8 right?</p> <p>9 A. On how the dress looked on me.</p> <p>10 Q. Did he make a comment about your</p> <p>11 body?</p> <p>12 A. You look beautiful and sexy in</p> <p>13 that dress.</p> <p>14 Q. And when you walked from the</p> <p>15 elevator area to the conference room was</p> <p>16 there anything that occurred during that</p> <p>17 walk that you considered objectionable or</p> <p>18 lascivious that you can recall?</p> <p>19 A. No. But I remember that I walked</p> <p>20 in back of him so that he would not look at</p> <p>21 me as he walked, I walked behind him. I</p> <p>22 remember that. I purposefully slowed down</p> <p>23 my steps so that he can be in front of me.</p> <p>24 Q. Is there anything else that you</p> <p>25 recall about your encounter with</p>

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<p>1 Guzman</p> <p>2 Mr. Goodstein outside the elevators on the</p> <p>3 third floor on that occasion that is</p> <p>4 relevant to your claim?</p> <p>5 A. I felt harassed and I felt</p> <p>6 disgusted that this happened. That is what</p> <p>7 I recall. I recall feeling this is not</p> <p>8 right. This is wrong. I don't come to work</p> <p>9 to be gawked at.</p> <p>10 Q. When was the next time that you</p> <p>11 experienced anything from Mr. Goodstein that</p> <p>12 you regard as harassing?</p> <p>13 A. Put it this way, I would see</p> <p>14 Mr. Goodstein in the News Corp. cafeteria on</p> <p>15 the third floor. I would see him in the</p> <p>16 elevator banks in the lobby and every time</p> <p>17 I -- during meetings and every time we had</p> <p>18 an encounter Mr. Goodstein had to comment on</p> <p>19 something that I was wearing on how I looked</p> <p>20 in my shoes or in my dress.</p> <p>21 Q. I am asking you when specifically</p> <p>22 you recall was the next time that</p> <p>23 Mr. Goodstein commented?</p> <p>24 A. So I met with him on his fourth</p> <p>25 floor office.</p>	<p>1 Guzman</p> <p>2 Q. Okay. You testified last time we</p> <p>3 were in a deposition together that</p> <p>4 Ms. Marerro was in those meetings with you</p> <p>5 and Mr. Goodstein?</p> <p>6 A. Most of the time, yes, Ms. Marerro</p> <p>7 was present.</p> <p>8 Q. You testified that she was always</p> <p>9 with you in those meetings and that</p> <p>10 sometimes Mr. Martinez was with you?</p> <p>11 A. Well, Ms. Marerro stopped working</p> <p>12 for The New York Post so the times -- there</p> <p>13 were times that I met with Ms. Goodstein</p> <p>14 that Ms. Marerro was not present or</p> <p>15 Mr. Martinez because they both stopped --</p> <p>16 they were both laid off.</p> <p>17 Q. And how many times did that occur?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 THE WITNESS: How many times? I</p> <p>20 am sorry.</p> <p>21 BY MR. LERNER:</p> <p>22 Q. How many times did you meet with</p> <p>23 Mr. Goods without the presence of</p> <p>24 Ms. Marerro?</p> <p>25 A. On numerous occasions.</p>
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<p>1 Guzman</p> <p>2 Q. How many?</p> <p>3 A. I can't give you a number but</p> <p>4 numerous occasions.</p> <p>5 Q. Where?</p> <p>6 A. Mostly his fourth floor office.</p> <p>7 Fourth or fifth floor office. Maybe fifth</p> <p>8 floor, yes, where News America marketing is</p> <p>9 located.</p> <p>10 Q. Again, I would like to know when</p> <p>11 the second time you felt harassed by</p> <p>12 Mr. Goodstein was with specific</p> <p>13 recollections if you have them. If you</p> <p>14 don't have them answer I don't remember.</p> <p>15 A. I don't remember the second time</p> <p>16 but I remember the numerous occasions when</p> <p>17 we would randomly bump into each other in</p> <p>18 meetings and I remember there was one</p> <p>19 meeting where as soon as I walked in he</p> <p>20 chose to comment on the shoes again that I</p> <p>21 was wearing.</p> <p>22 Q. Did you ask him not to comment on</p> <p>23 your shoes?</p> <p>24 A. No.</p> <p>25 Q. Is that the occasion when you</p>	<p>1 Guzman</p> <p>2 said, when you offered to let him borrow</p> <p>3 them as a joke?</p> <p>4 A. Yes.</p> <p>5 Q. Why was the comment on your shoes</p> <p>6 offensive?</p> <p>7 A. I think if I were a white male he</p> <p>8 would not be commenting on the way I</p> <p>9 dressed.</p> <p>10 I think that he meant to objectify</p> <p>11 me as a sexual object and I found that</p> <p>12 offensive.</p> <p>13 Q. Anything else?</p> <p>14 A. I found his conduct inappropriate,</p> <p>15 Mark.</p> <p>16 Q. Is there anything else about his</p> <p>17 commenting on your shoes -- what was</p> <p>18 specifically did he say about your shoes?</p> <p>19 A. Sexy shoes.</p> <p>20 Q. Were they sexy shoes?</p> <p>21 MR. THOMPSON: Wait. She wasn't</p> <p>22 finished.</p> <p>23 THE WITNESS: Sexy shoes. He</p> <p>24 wouldn't even refer to me by my first</p> <p>25 name or by my last name.</p>

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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. Were they sexy shoes?</p> <p>4 A. No.</p> <p>5 Q. Describe the shoes?</p> <p>6 A. Black shoes, black pumps.</p> <p>7 Q. Back pumps. Pumps means high</p> <p>8 heels?</p> <p>9 A. Black high heels, yes.</p> <p>10 Q. It is your testimony that those</p> <p>11 are not sexy shoes?</p> <p>12 A. No. They are black.</p> <p>13 Q. They are black pumps?</p> <p>14 A. High heels, yes.</p> <p>15 Q. What did you like about those</p> <p>16 shoes?</p> <p>17 A. They were comfortable.</p> <p>18 Q. Did you like the fact that they</p> <p>19 were high heels?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 THE WITNESS: I liked them.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. Did anyone else ever comment on</p> <p>24 those shoes?</p> <p>25 A. Not that I can recall right now.</p>	<p>1 Guzman</p> <p>2 Q. Do you still own those shoes?</p> <p>3 A. Yes.</p> <p>4 Q. Who were they manufactured by?</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 THE WITNESS: YSL.</p> <p>7 BY MR. LERNER:</p> <p>8 Q. If you recall any other specific</p> <p>9 occasions during which Mr. Goodstein made</p> <p>10 what you regard as harassing comments about</p> <p>11 your appearance can you please describe them</p> <p>12 specifically now?</p> <p>13 A. So there was another occasion when</p> <p>14 again we were meeting in his office and as I</p> <p>15 was walking in instead of greeting me with</p> <p>16 my name he called me Cha-Cha.</p> <p>17 Q. Okay. We discussed this incident</p> <p>18 the last time you were deposed, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And he stopped doing that when you</p> <p>21 let him know you didn't appreciate it,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. And how did you let him know that?</p> <p>25 A. Don't call me that.</p>
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<p>1 Guzman</p> <p>2 Q. How did he respond when you said</p> <p>3 don't call me that?</p> <p>4 A. He was confused.</p> <p>5 Q. But he stopped calling you that,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And with respect to him calling</p> <p>9 you sexy and beautiful you never said don't</p> <p>10 call me sexy and beautiful, correct?</p> <p>11 A. No.</p> <p>12 Q. No, you did not say that?</p> <p>13 A. No. I did not. I would ignore</p> <p>14 him.</p> <p>15 Q. Mr. Goodstein's office was on the</p> <p>16 fifth floor of the building at 1211 Avenue</p> <p>17 of the Americas, right?</p> <p>18 A. Yes.</p> <p>19 Q. What was offensive about the term</p> <p>20 Cha-Cha to you?</p> <p>21 A. First of all, I have a name.</p> <p>22 Second of all, there is a</p> <p>23 stereotype that all Latin women are, you</p> <p>24 know, hot and dancers and Cha-Cha is</p> <p>25 referring to a dance move on a dance floor.</p>	<p>1 Guzman</p> <p>2 Why couldn't he call me by my</p> <p>3 name?</p> <p>4 Q. Did you ever write about somebody</p> <p>5 who Tempo referred to in a headline as</p> <p>6 Cha-Cha Willie?</p> <p>7 A. Are you looking at something that</p> <p>8 maybe I should review?</p> <p>9 Q. I am looking at an -- a page from</p> <p>10 Tempo from 2007 with a headline Cha-Cha</p> <p>11 Willie, is that a headline that I approved</p> <p>12 for Tempo?</p> <p>13 A. Can I see it?</p> <p>14 Q. No.</p> <p>15 A. I can't?</p> <p>16 Q. There is a question pending. Did</p> <p>17 you approve a headline Cha-Cha Willie for</p> <p>18 Tempo regarding someone named Willie Perry?</p> <p>19 A. Can you read some more so that I</p> <p>20 can -- can you refresh my memory?</p> <p>21 Q. Have you ever heard of Willie</p> <p>22 Perry?</p> <p>23 A. I can't recall right now.</p> <p>24 Q. Do you know who Willie Perry is?</p> <p>25 A. I have interviewed and I have</p>

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<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. When you bumped into him in the</p> <p>4 cafeteria or in the elevators or in the</p> <p>5 hallways how long did these meetings or</p> <p>6 encounters last?</p> <p>7 A. Anywhere -- I don't know.</p> <p>8 Anywhere from hello, how are you, five</p> <p>9 minutes, they seemed longer because they</p> <p>10 were always really uncomfortable.</p> <p>11 Q. And these were in -- these</p> <p>12 encounters were in public areas in the</p> <p>13 building, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you were free to walk away or</p> <p>16 keep going where you were going during these</p> <p>17 meetings, right?</p> <p>18 A. I am not really sure what you are</p> <p>19 asking me.</p> <p>20 Q. Well, if you stood around to talk</p> <p>21 to Mr. Goodstein for any length of time that</p> <p>22 was of your own free will, correct?</p> <p>23 A. Well, he was supervising the sales</p> <p>24 of sections that I was working on.</p> <p>25 Q. He wasn't your supervisor,</p>	<p>1 Guzman</p> <p>2 correct?</p> <p>3 A. He was not my supervisor but he</p> <p>4 was supervising the sales so we worked in</p> <p>5 the -- with the same projects, we worked on</p> <p>6 the same projects. So he wasn't a total</p> <p>7 stranger to me, I would greet him and that</p> <p>8 is when he took the opportunity to say</p> <p>9 inappropriate comments.</p> <p>10 Q. Specifically the inappropriate</p> <p>11 comments were sexy and beautiful?</p> <p>12 A. Mark, he would always comment on</p> <p>13 my appearance. He would always comment on</p> <p>14 the dresses that I wore or the shoes that I</p> <p>15 wore and he would always gawk.</p> <p>16 Q. And the comments were to use the</p> <p>17 terms either sexy or beautiful?</p> <p>18 MR. THOMPSON: Objection.</p> <p>19 BY MR. LERNER:</p> <p>20 Q. Correct?</p> <p>21 A. Yes.</p> <p>22 Q. Were these being -- these meetings</p> <p>23 where you would be standing up during the</p> <p>24 meeting speaking to him?</p> <p>25 MR. THOMPSON: Objection.</p>
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<p>1 Guzman</p> <p>2 THE WITNESS: The meetings by the</p> <p>3 elevator banks, the random meetings --</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Correct.</p> <p>6 A. -- in the News Corp. cafeteria?</p> <p>7 Q. Yes.</p> <p>8 A. I would be usually going</p> <p>9 somewhere.</p> <p>10 The meetings in his office, I</p> <p>11 would be sitting down.</p> <p>12 Q. There came a time in 2007 when he</p> <p>13 stopped being involved in Tempo, right?</p> <p>14 A. Yes.</p> <p>15 Q. How many of these encounters with</p> <p>16 Mr. Goodstein on the premises of the 1211</p> <p>17 Avenue of the Americas occurred after he</p> <p>18 stopped being involved in Tempo?</p> <p>19 A. I also told you that we continued</p> <p>20 to meet after because of his involvement</p> <p>21 with the Brooklyn and community papers,</p> <p>22 okay.</p> <p>23 Q. How many times did you meet with</p> <p>24 Mr. Goodstein on the Brooklyn and community</p> <p>25 papers after he was no longer involved with</p>	<p>1 Guzman</p> <p>2 Tempo?</p> <p>3 A. Numerous times.</p> <p>4 Q. How many?</p> <p>5 A. I would say two dozen times.</p> <p>6 Maybe more.</p> <p>7 Q. Where were those meetings?</p> <p>8 A. His office, at News Corp. office</p> <p>9 on the fifth floor, News America offices.</p> <p>10 Q. And who was in those meetings, you</p> <p>11 and his deputy?</p> <p>12 A. Yes. Sometimes there were two</p> <p>13 deputies and sometimes one deputy.</p> <p>14 Q. And who were the names -- what</p> <p>15 were the names of the two deputies?</p> <p>16 A. I cannot recall the names.</p> <p>17 Q. Were they male or female?</p> <p>18 A. One of them was a female and her</p> <p>19 name starts with a K, K something. And I</p> <p>20 believe that she went on maternity leave and</p> <p>21 then another staffer took over her</p> <p>22 responsibilities but I can't recall his</p> <p>23 name.</p> <p>24 Q. Did the two deputies ever say</p> <p>25 anything to you that you considered</p>

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<p>1 Guzman</p> <p>2 harassing or abusive?</p> <p>3 A. No, sir.</p> <p>4 Q. And did you ever say anything to</p> <p>5 them about Mr. Goodstein's conduct?</p> <p>6 A. No, sir.</p> <p>7 Q. Were they ever present during</p> <p>8 Mr. Goodstein engaging in conduct that you</p> <p>9 considered offensive?</p> <p>10 A. No.</p> <p>11 Q. Did you ever tell them about it?</p> <p>12 A. The two deputies?</p> <p>13 Q. Yes.</p> <p>14 A. About Mr. Goodstein's --</p> <p>15 Q. Yes.</p> <p>16 A. -- inappropriate behavior? No.</p> <p>17 I told other people. I complained</p> <p>18 to other people.</p> <p>19 Q. My question was did you tell them</p> <p>20 about it.</p> <p>21 A. Okay.</p> <p>22 Q. During what period of time did you</p> <p>23 have meetings with Mr. Goodstein about the</p> <p>24 community newspapers?</p> <p>25 MR. THOMPSON: Objection.</p>	<p>1 Guzman</p> <p>2 THE WITNESS: During what period</p> <p>3 of time? When the newspapers were first</p> <p>4 initially purchased, there were a lot of</p> <p>5 discussion about what to do with them,</p> <p>6 how to integrate them into The New York</p> <p>7 Post properties. There were News Corp.</p> <p>8 properties and so we were trying to</p> <p>9 figure out what their role was going to</p> <p>10 be.</p> <p>11 BY MR. LERNER:</p> <p>12 Q. Did Mr. Goodstein ever trap you in</p> <p>13 a room?</p> <p>14 A. Trap me in a room?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. Did he ever -- did he ever touch</p> <p>18 you?</p> <p>19 MR. THOMPSON: Objection.</p> <p>20 BY MR. LERNER:</p> <p>21 Q. In an offensive way?</p> <p>22 A. No.</p> <p>23 Q. Did he ever ask you out on a date?</p> <p>24 A. No.</p> <p>25 Q. Did he ever mention sex acts with</p>
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<p>1 Guzman</p> <p>2 you?</p> <p>3 A. No.</p> <p>4 Q. Did he ever comment specifically</p> <p>5 by using the word breasts?</p> <p>6 A. No.</p> <p>7 Q. Did he ever use the word ass with</p> <p>8 you to comment about your body?</p> <p>9 A. No.</p> <p>10 Q. Did he ever refer to your legs</p> <p>11 specifically?</p> <p>12 A. I don't recall. He may have.</p> <p>13 Q. You don't recall, right?</p> <p>14 A. I don't recall specifically.</p> <p>15 Q. Okay. Were there times that you</p> <p>16 were with Mr. Goodstein that he spoke to you</p> <p>17 in a professional way discussing the</p> <p>18 business you were doing?</p> <p>19 A. Yes.</p> <p>20 Q. Did he look you in the eye when he</p> <p>21 spoke to you?</p> <p>22 A. No.</p> <p>23 Q. Never?</p> <p>24 A. Very few times. That was part of</p> <p>25 the problem. He was always looking at my</p>	<p>1 Guzman</p> <p>2 body, at my breasts, at my legs, at my</p> <p>3 shoes. That was the inappropriate behavior</p> <p>4 I was trying to describe.</p> <p>5 Q. Did you ever ask him to make more</p> <p>6 eye contact with you?</p> <p>7 A. No.</p> <p>8 Q. Did you ever tape record any</p> <p>9 meetings with Mr. Goodstein?</p> <p>10 A. No.</p> <p>11 Q. Did you ever write down notes</p> <p>12 about Mr. Goodstein after your meetings?</p> <p>13 A. I don't remember if I wrote down</p> <p>14 notes about his behavior.</p> <p>15 Q. And you never told him that you</p> <p>16 didn't like the way he was looking at you,</p> <p>17 correct?</p> <p>18 A. No, Mark.</p> <p>19 Q. Did he ever prevent you from</p> <p>20 publishing Tempo? That sounds like an odd</p> <p>21 question but --</p> <p>22 A. Yes, it is. I don't understand</p> <p>23 what you are trying to ask me.</p> <p>24 Q. He never stood in the way of</p> <p>25 getting Tempo out, right?</p>

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<p>1 Guzman</p> <p>2 A. I don't know.</p> <p>3 Q. He was -- your understanding is he</p> <p>4 facilitated Tempo, right?</p> <p>5 A. My understanding is that he was a</p> <p>6 fan of the work that Tempo and my team were</p> <p>7 doing.</p> <p>8 Q. You don't have any reason to doubt</p> <p>9 that, correct?</p> <p>10 A. No.</p> <p>11 Q. So during the time you were</p> <p>12 working with Mr. Goodstein you continued to</p> <p>13 focus your efforts on getting Tempo out,</p> <p>14 getting any other sections you were working</p> <p>15 on out and doing a good job, correct?</p> <p>16 A. Can you repeat the question?</p> <p>17 Q. Sure.</p> <p>18 During the time you were working</p> <p>19 with Mr. Goodstein you continued to focus</p> <p>20 your efforts on getting Tempo out, getting</p> <p>21 any other sections you were working out and</p> <p>22 doing a good job, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you did a good job, right?</p> <p>25 A. Yes.</p>	<p>1 Guzman</p> <p>2 Q. And did you think that your</p> <p>3 performance was good during this time</p> <p>4 period?</p> <p>5 A. Notwithstanding the conditions</p> <p>6 that I had to work under, yes.</p> <p>7 Q. You produced the section that you</p> <p>8 wanted to produce, right?</p> <p>9 A. To the best of my ability. I</p> <p>10 ignored all the other harassment that I was</p> <p>11 experiencing.</p> <p>12 Q. And you were able to do your job,</p> <p>13 right?</p> <p>14 A. I did my job to the best of my</p> <p>15 ability.</p> <p>16 Q. You were able to do your job well,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. You produced an excellent section,</p> <p>20 right?</p> <p>21 A. Yes. But that didn't mean that I</p> <p>22 was not affected by his lewd behavior.</p> <p>23 Q. My question is your work did not</p> <p>24 suffer for it, right?</p> <p>25 A. No.</p>
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<p>1 Guzman</p> <p>2 Q. No, it did not suffer for it,</p> <p>3 right?</p> <p>4 MR. THOMPSON: Objection. She</p> <p>5 just answered that question.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. LERNER:</p> <p>8 Q. You have actually described</p> <p>9 yourself as sexy and beautiful, have you</p> <p>10 not?</p> <p>11 A. I may have.</p> <p>12 Q. Do you recall writing a list of</p> <p>13 words to describe yourself and including</p> <p>14 sexy and beautiful on that list?</p> <p>15 A. No.</p> <p>16 Q. Who is Sol, S-O-L?</p> <p>17 A. Sol is a friend of mine.</p> <p>18 Q. Do you remember writing a list of</p> <p>19 words to describe Sol and writing a list of</p> <p>20 words to describe yourself and comparing the</p> <p>21 two?</p> <p>22 A. No.</p> <p>23 Q. I am going to show you a document,</p> <p>24 showing you a document marked Guzman Exhibit</p> <p>25 33.</p>	<p>1 Guzman</p> <p>2 (Handwritten list was marked</p> <p>3 Guzman Exhibit 33 for identification)</p> <p>4 BY MR. LERNER:</p> <p>5 Q. Ms. Guzman, is this a piece of</p> <p>6 paper where you wrote down lists of</p> <p>7 adjectives to describe Sol and yourself?</p> <p>8 A. Yes.</p> <p>9 Q. Sol is the column on the left and</p> <p>10 you are the column on the right?</p> <p>11 A. Yes.</p> <p>12 Q. And who -- is Sol somebody you</p> <p>13 were involved with?</p> <p>14 A. Involved with?</p> <p>15 Q. Yes.</p> <p>16 A. How do you mean?</p> <p>17 Q. Were you ever romantically</p> <p>18 involved with Sol?</p> <p>19 A. No.</p> <p>20 Q. What is Sol's last name?</p> <p>21 A. Rivera.</p> <p>22 Q. Were you involved in any business</p> <p>23 dealings with Sol?</p> <p>24 A. Yes.</p> <p>25 Q. What were those dealings?</p>

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<p>1 Guzman</p> <p>2 MR. THOMPSON: Objection.</p> <p>3 THE WITNESS: Can I answer?</p> <p>4 Sol and I started a -- as part of</p> <p>5 my attempt to make money Sol and I</p> <p>6 started a media consulting partnership.</p> <p>7 She was my business partner.</p> <p>8 BY MR. LERNER:</p> <p>9 Q. And you described yourself here</p> <p>10 as, among other things, sexy and beautiful?</p> <p>11 A. Yes.</p> <p>12 Q. Correct. You also describe</p> <p>13 yourself as bitchy?</p> <p>14 A. Yes.</p> <p>15 Q. You describe yourself as strong</p> <p>16 and funny?</p> <p>17 A. Yes.</p> <p>18 Q. Do you still agree that all these</p> <p>19 adjectives to describe you are accurate?</p> <p>20 A. They are different parts of me.</p> <p>21 Q. They all are parts of you?</p> <p>22 A. At times.</p> <p>23 Q. So sexy is part of you?</p> <p>24 A. Sure.</p> <p>25 Q. And beautiful is part of you?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. As is -- as are bitchy and strong?</p> <p>4 A. Yes.</p> <p>5 Q. Ms. Guzman, when you started</p> <p>6 working at The Post in 2003 Michael Riedel</p> <p>7 was already working at The Post, right?</p> <p>8 A. I believe so.</p> <p>9 Q. He was already The Post's Broadway</p> <p>10 columnist and critic, right?</p> <p>11 A. I believe so, yes.</p> <p>12 Q. And by 2008 you and he had both</p> <p>13 been working at the paper together for about</p> <p>14 five years, right?</p> <p>15 A. Yes.</p> <p>16 Q. Had you gotten to know him during</p> <p>17 that time period?</p> <p>18 A. Know him?</p> <p>19 Q. Yes.</p> <p>20 A. What do you mean know him?</p> <p>21 Q. Were you friendly with him in the</p> <p>22 office the way two people that might work in</p> <p>23 an office together would be friendly?</p> <p>24 A. Yes.</p> <p>25 Q. Did you talk to him from time to</p>
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<p>1 Guzman</p> <p>2 time about matters of mutual interest?</p> <p>3 A. Yes.</p> <p>4 Q. Did you consider him a friend in</p> <p>5 the office?</p> <p>6 A. A co-worker.</p> <p>7 Q. Did you consider him a friend?</p> <p>8 A. A co-worker.</p> <p>9 Q. But a friendly co-worker?</p> <p>10 A. Yes.</p> <p>11 Q. Did you ever have any dispute or</p> <p>12 problem with him until the material that you</p> <p>13 have pled in this lawsuit?</p> <p>14 A. Did I have any dispute with him?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. Did he ever -- until the matter</p> <p>18 that concerned West Side Story came up did</p> <p>19 he ever do anything to you that you regarded</p> <p>20 as offensive?</p> <p>21 A. Besides every time he saw me</p> <p>22 singing West Side Story with a Spanish</p> <p>23 accent.</p> <p>24 Q. You need to listen to the</p> <p>25 question.</p>	<p>1 Guzman</p> <p>2 The question was, until the matter</p> <p>3 that concerned West Side Story came up did</p> <p>4 he ever do anything to you that you regarded</p> <p>5 as offensive?</p> <p>6 MR. THOMPSON: She was just</p> <p>7 clarifying your question.</p> <p>8 THE WITNESS: I was. I was</p> <p>9 clarifying the West Side incident.</p> <p>10 BY MR. LERNER:</p> <p>11 Q. Apart from the West Side Story</p> <p>12 incident was there anything that Mr. Riedel</p> <p>13 ever did that you considered offensive?</p> <p>14 A. No.</p> <p>15 Q. You sent him an e-mail which was</p> <p>16 marked in the last deposition Guzman 15 in</p> <p>17 which you called -- you asked him for some</p> <p>18 information about who is casting West Side</p> <p>19 Story, right?</p> <p>20 A. Yes.</p> <p>21 Q. You called him M in the e-mail,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And you signed it S, right?</p> <p>25 A. Yes.</p>

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<p>1 Guzman</p> <p>2 A. She told me other things that I</p> <p>3 didn't print.</p> <p>4 Q. Did you ask her why she didn't</p> <p>5 want you to print those other things?</p> <p>6 A. Yes.</p> <p>7 Q. What did she tell you?</p> <p>8 A. She didn't want to get involved in</p> <p>9 offending her friends on Broadway.</p> <p>10 Q. Did you ever publish your own</p> <p>11 critique of West Side Story?</p> <p>12 A. I don't remember if it was</p> <p>13 published. I wanted to.</p> <p>14 Q. Have you ever published material</p> <p>15 that was critical of West Side Story?</p> <p>16 A. I don't remember.</p> <p>17 Q. Did Mr. Riedel contact West Side</p> <p>18 Story's casting director for your friend?</p> <p>19 A. I don't know.</p> <p>20 Q. Did he ever get back to you with</p> <p>21 the information that you requested about the</p> <p>22 casting director?</p> <p>23 A. I don't remember.</p> <p>24 Q. So with respect to Mr. Riedel</p> <p>25 singing I want to live in America, I like it</p>	<p>1 Guzman</p> <p>2 here in America to you in a Spanish accent</p> <p>3 was the first thing he did that offended</p> <p>4 you, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And Ms. Guzman, it was also the</p> <p>7 last thing he did that offended you,</p> <p>8 correct?</p> <p>9 A. It was the only thing he -- the</p> <p>10 only thing he did every time we encountered</p> <p>11 each other.</p> <p>12 Q. It was the only thing that he did</p> <p>13 that offended you, right?</p> <p>14 A. Yes.</p> <p>15 Q. You never asked him to stop</p> <p>16 singing it, right?</p> <p>17 A. Just ignored him.</p> <p>18 Q. Did you discuss the musical with</p> <p>19 him?</p> <p>20 A. I may have.</p> <p>21 Q. Were you interested in his help in</p> <p>22 your coverage of the musical for Tempo?</p> <p>23 A. Yes.</p> <p>24 Q. And as the revival was being</p> <p>25 produced before it opened did you have</p>
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<p>1 Guzman</p> <p>2 conversations with him in your office about</p> <p>3 how you might cover the revival?</p> <p>4 A. Not really. I had pretty much an</p> <p>5 idea of how I wanted to do it. I didn't</p> <p>6 need Michael's help in that regard in how I</p> <p>7 wanted to cover it.</p> <p>8 Q. Didn't you ask him if he could put</p> <p>9 you in touch with the producer of it?</p> <p>10 A. I may have asked him.</p> <p>11 Q. And so that would be asking his</p> <p>12 help for coverage, right?</p> <p>13 A. Yes.</p> <p>14 Q. So you did ask him for help?</p> <p>15 A. But how to cover it is very</p> <p>16 different. How to approach the story is</p> <p>17 very different.</p> <p>18 Q. Mr. Riedel has extensive contacts</p> <p>19 on Broadway, agreed?</p> <p>20 A. Agreed.</p> <p>21 Q. And if you are going to write a</p> <p>22 story about West Side Story's being produced</p> <p>23 on Broadway Mr. Riedel's contacts could be</p> <p>24 valuable to you, correct?</p> <p>25 A. Sometimes. He is also very much</p>	<p>1 Guzman</p> <p>2 hated on Broadway so.</p> <p>3 Q. But his contacts could be valuable</p> <p>4 to you?</p> <p>5 A. Potentially could be or not.</p> <p>6 Q. And you sought that out from him,</p> <p>7 right?</p> <p>8 A. I sought that out from him, yes.</p> <p>9 Q. Okay. And you spoke to him about</p> <p>10 it in the office, right?</p> <p>11 A. Yes.</p> <p>12 Q. Ms. Guzman, you have been writing</p> <p>13 a book about The New York Post and your</p> <p>14 experiences there, correct?</p> <p>15 A. I am trying to write -- I have</p> <p>16 been trying to work on a book about my</p> <p>17 experiences at The Post.</p> <p>18 Q. About its senior editors?</p> <p>19 A. About my experiences at The Post,</p> <p>20 all of them.</p> <p>21 Q. You have written multiple chapters</p> <p>22 of that book, have you not?</p> <p>23 A. No. There are sketches.</p> <p>24 Q. You are writing it on the computer</p> <p>25 that you have now, right?</p>

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<p>1 Confidential - Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. Did you spend time as a child in</p> <p>4 Santo Domingo?</p> <p>5 A. No. Santo Domingo the country or</p> <p>6 Santo Domingo the city or Santo Domingo --</p> <p>7 Q. Let me read something to you.</p> <p>8 You wrote, "I knew I was jumping</p> <p>9 into a pit, a latrine really, like the ones</p> <p>10 I used to defecate and pee as a little girl</p> <p>11 in the town that I loved so much, Santo</p> <p>12 Domingo."</p> <p>13 Did you write that?</p> <p>14 A. I wrote that.</p> <p>15 Q. And what were you referring to by</p> <p>16 Santo Domingo?</p> <p>17 A. A town.</p> <p>18 Q. What town?</p> <p>19 A. A town of Santo Domingo.</p> <p>20 Q. Located where?</p> <p>21 A. In Puerto Rico but, yes.</p> <p>22 Q. Did you spend -- is that a</p> <p>23 reference to your time in Santo Domingo?</p> <p>24 A. Again, I am telling you that this</p> <p>25 is something -- a story sketch that I am</p>	<p>1 Confidential - Guzman</p> <p>2 creating.</p> <p>3 Q. Did you spend --</p> <p>4 A. So I spent time in Santo Domingo.</p> <p>5 Q. You spent time in Santo Domingo?</p> <p>6 A. Yes.</p> <p>7 Q. Ms. Guzman, is this funny to you?</p> <p>8 A. No. Not at all.</p> <p>9 Q. Do you have a friend named Nina?</p> <p>10 A. Yes.</p> <p>11 Q. Is Nina somebody you described as</p> <p>12 the kind of woman who is scrutinous to other</p> <p>13 women looking for flaws and virtues?</p> <p>14 A. No.</p> <p>15 Q. Did you go to Babbo with Nina?</p> <p>16 A. No.</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
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<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

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<p>1 Guzman</p> <p>2 tale of my life as I remember it as I dream</p> <p>3 it."</p> <p>4 Is it correct that this story is</p> <p>5 an honest tale of your life as you remember</p> <p>6 it?</p> <p>7 A. What story?</p> <p>8 Q. The story in this document.</p> <p>9 A. These are supposed to be separate</p> <p>10 files and I am not sure why they are in all</p> <p>11 one file. So this graph here.</p> <p>12 Q. This was one file called dirt</p> <p>13 eater.doc.</p> <p>14 A. Yes.</p> <p>15 Q. And your counsel produced the</p> <p>16 metadata for this file?</p> <p>17 A. Yes.</p> <p>18 Q. Which said that it was created on</p> <p>19 February 15, 2008?</p> <p>20 A. Yes.</p> <p>21 Q. Is that consistent with your</p> <p>22 recollection of when you wrote this?</p> <p>23 A. Yes.</p> <p>24 Q. Why did you start writing this on</p> <p>25 February 15, 2008?</p>	<p>1 Guzman</p> <p>2 A. I have been -- I am a writer and I</p> <p>3 am always taking notes. I am always</p> <p>4 thinking of book ideas and I am trying to</p> <p>5 write fiction so trying to cultivate that so</p> <p>6 I also thought about writing my early</p> <p>7 childhood memoirs and so the working title</p> <p>8 of my memoir is Dirt Eater.</p> <p>9 Q. On the first two pages of this you</p> <p>10 describe several incidents centering around</p> <p>11 Langan's, the bar. You talk about being</p> <p>12 together with your female co-workers talking</p> <p>13 at the bar, you talk about a story that Col</p> <p>14 Allan told about a Steve Dunleavy and you</p> <p>15 talk about seeing a picture on a BlackBerry.</p> <p>16 Did all of those things happen on</p> <p>17 the same night or is this a compilation of</p> <p>18 incidents from different nights?</p> <p>19 A. The first two pages is a summary</p> <p>20 of what happened at Langan's on the night</p> <p>21 that my boss, the editor of The New York</p> <p>22 Post, harassed me sexually.</p> <p>23 Q. So this is a narrative of one</p> <p>24 night?</p> <p>25 A. It is a summary, yes.</p>
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<p>1 Guzman</p> <p>2 Q. And is it an accurate summary?</p> <p>3 A. It is factual.</p> <p>4 Q. It -- what does that mean "It is</p> <p>5 factual"?</p> <p>6 A. Everything that I have here</p> <p>7 happened in the first two pages of this</p> <p>8 document.</p> <p>9 Q. Okay. The "I" in the first two</p> <p>10 pages is you Sandra Guzman?</p> <p>11 A. Yes. This is -- these are three</p> <p>12 different -- yes.</p> <p>13 Q. Okay. So the night started out</p> <p>14 with you with three of your female New York</p> <p>15 Post co-workers drinking beer and talking at</p> <p>16 the bar, right?</p> <p>17 A. What night?</p> <p>18 Q. The night described in the first</p> <p>19 two pages of Guzman Exhibit 34.</p> <p>20 A. Yes.</p> <p>21 Q. And you wrote in the third line,</p> <p>22 "There were four of us all females talking</p> <p>23 industry lingo who fucked who, who got a</p> <p>24 good story."</p> <p>25 Do you see that?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. And what did you mean by "who</p> <p>4 fucked who"?</p> <p>5 A. The girls and I talked about our</p> <p>6 relationships, we talked about our</p> <p>7 boyfriends.</p> <p>8 Q. What did you mean by "industry</p> <p>9 lingo"?</p> <p>10 A. We talked about who is working</p> <p>11 where, what stories each of us were working</p> <p>12 on, what was happening at -- industry wide,</p> <p>13 what stories we wanted to get.</p> <p>14 Q. And it says you were on your</p> <p>15 second drink when Col Allan walked in?</p> <p>16 A. We had just ordered our second</p> <p>17 drink.</p> <p>18 Q. It doesn't say you just ordered</p> <p>19 your second drink. It says, "We were all on</p> <p>20 our second drink."</p> <p>21 A. Well, I am telling you that this</p> <p>22 is a summary.</p> <p>23 Q. Okay.</p> <p>24 A. So --</p> <p>25 Q. All right.</p>

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<p>1 Guzman</p> <p>2 So your memory is that you had</p> <p>3 just ordered your second drink?</p> <p>4 A. We had just ordered our second</p> <p>5 drink.</p> <p>6 Q. And your memory today four years</p> <p>7 after this happened is clearer than it was</p> <p>8 when you wrote this?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 THE WITNESS: This was a pretty --</p> <p>11 this is a pretty -- this highlight of my</p> <p>12 days at the New York Post. I remember</p> <p>13 this.</p> <p>14 BY MR. LERNER:</p> <p>15 Q. So it is -- is it factual or not,</p> <p>16 Ms. Guzman?</p> <p>17 A. The first two pages of the</p> <p>18 document we are talking about are facts.</p> <p>19 Q. They are completely factual?</p> <p>20 A. Yes.</p> <p>21 Q. You said, "Normally Col would skip</p> <p>22 by and make a beeline to the men who were at</p> <p>23 the bar," right?</p> <p>24 A. Yes.</p> <p>25 Q. Or at least he would always skip</p>	<p>1 Guzman</p> <p>2 by you, correct?</p> <p>3 A. Yes.</p> <p>4 Q. That is factual?</p> <p>5 A. Yes.</p> <p>6 Q. So Col Allan didn't make a habit</p> <p>7 of accosting you or addressing you or</p> <p>8 speaking to you at the bar; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you give a description of Col</p> <p>11 Allan and then you go on to say, "That night</p> <p>12 the editor shared a story about the time</p> <p>13 Dunleavy fucked a gorgeous female fan in the</p> <p>14 bar's closet."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Now, do you know when that</p> <p>18 incident occurred, the Dunleavy incident?</p> <p>19 A. No. He didn't -- he was sharing</p> <p>20 multiple -- many jokes and that was one of</p> <p>21 many sexual jokes about Dunleavy's sexual</p> <p>22 history but he didn't say a date.</p> <p>23 Q. Okay. And you don't know if Col</p> <p>24 Allan was actually testifying from his</p> <p>25 own -- from witnessing this or if Col was</p>
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<p>1 Guzman</p> <p>2 telling a story that had kind of come to him</p> <p>3 secondhand, do you?</p> <p>4 A. He actually said that he witnessed</p> <p>5 this, he actually -- the stories that he</p> <p>6 told us that night were all stories that he</p> <p>7 witnessed about his really good friend</p> <p>8 Dunleavy whom he has known for more than 30</p> <p>9 years.</p> <p>10 Q. Your testimony is that Col Allan</p> <p>11 told you that he saw this incident with</p> <p>12 Dunleavy having sex in the closet?</p> <p>13 A. He witnessed that he saw her leg</p> <p>14 sticking out of the closet as he had sex</p> <p>15 with this woman.</p> <p>16 Q. What you say is that the editor</p> <p>17 shared a story, right?</p> <p>18 A. I summarized, I didn't write all</p> <p>19 the things that the editor shared that night</p> <p>20 with us.</p> <p>21 Q. Okay. But your -- okay. Your</p> <p>22 account here doesn't say that the editor</p> <p>23 told you he saw this. It says he shared a</p> <p>24 story, right?</p> <p>25 A. Right. He shared a story in which</p>	<p>1 Guzman</p> <p>2 he saw his good friend drink himself drunk</p> <p>3 and then had -- proceed to have sex with</p> <p>4 this fan and he witnessed her leg sticking</p> <p>5 out of the closet. In fact I believe it was</p> <p>6 Langan's where this happened.</p> <p>7 Q. Are you certain that Mr. Allan</p> <p>8 told you that he saw this incident?</p> <p>9 A. I am certain that all the stories</p> <p>10 he shared that night he was very specific</p> <p>11 that he witnessed.</p> <p>12 Q. And you listened to the story,</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. And the girls laughed?</p> <p>16 A. Yes.</p> <p>17 Q. And you went ooh?</p> <p>18 A. I went ooh.</p> <p>19 Q. Ooh, and you went ooh, not because</p> <p>20 you were offended that somebody would</p> <p>21 describe an incident of sex, you said ooh</p> <p>22 because, "The thought of anyone fucking a</p> <p>23 near dead drunk skeleton was not funny. I</p> <p>24 fuck for pleasure."</p> <p>25 A. It wasn't funny. It was actually</p>

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<p>1 Guzman</p> <p>2 disgusting.</p> <p>3 Q. And you stuck around to listen to</p> <p>4 the story, right?</p> <p>5 A. I stuck around to hang out with my</p> <p>6 girlfriends.</p> <p>7 Q. Nobody was chaining you to the bar</p> <p>8 stool, right?</p> <p>9 A. No.</p> <p>10 Q. You could have walked away?</p> <p>11 A. Yes.</p> <p>12 Q. Right?</p> <p>13 You wrote in the same paragraph</p> <p>14 that, "Col Allan only befriends ugly female</p> <p>15 editors, the she-males."</p> <p>16 Who were you referring to?</p> <p>17 MR. THOMPSON: What paragraph are</p> <p>18 you referring to?</p> <p>19 MR. LERNER: Same paragraph we</p> <p>20 have been on, five lines from the</p> <p>21 bottom.</p> <p>22 MR. THOMPSON: I see.</p> <p>23 THE WITNESS: A former features</p> <p>24 editor.</p> <p>25</p>	<p>1 Guzman</p> <p>2 BY THE VIDEOGRAPHER:</p> <p>3 Q. Who is that?</p> <p>4 A. Fay Penn.</p> <p>5 Q. Well, you actually wrote plural,</p> <p>6 "He only befriends ugly female editors,</p> <p>7 she-males."</p> <p>8 A. That is what I was thinking.</p> <p>9 Q. Is "she-males" a term that you use</p> <p>10 for women you regard as ugly?</p> <p>11 A. No.</p> <p>12 Q. Did you regard Fay Penn as ugly?</p> <p>13 A. Her attitude more than physically.</p> <p>14 I was referring to her energy, to her</p> <p>15 energy, not to her physical appearance.</p> <p>16 Q. Well, you wrote that "Col Allan</p> <p>17 doesn't know how to handle himself around</p> <p>18 pretty women, he only befriends ugly female</p> <p>19 editors." You are talking about physical</p> <p>20 appearance, correct?</p> <p>21 A. When I was thinking about this</p> <p>22 particular editor, I was thinking more about</p> <p>23 her energy.</p> <p>24 Q. What is a she-male?</p> <p>25 A. It is very strong, muscular,</p>
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<p>1 Guzman</p> <p>2 androgenous-looking female.</p> <p>3 Q. Is there anybody else at The Post</p> <p>4 that you regard as an ugly female editor who</p> <p>5 Col Allan befriends?</p> <p>6 A. Who has ugly female energy, male</p> <p>7 ugly she-male female energy. No. I can't</p> <p>8 think of anybody else at this time.</p> <p>9 Q. Isn't a she-male a man who</p> <p>10 surgically altered to have breasts?</p> <p>11 A. No. Not as I understand it.</p> <p>12 Q. And, so you listened to the story</p> <p>13 about Dunleavy having sex in the closet,</p> <p>14 right, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And you did not walk away,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And then Col Allan displays a</p> <p>20 photograph on his BlackBerry of a naked man,</p> <p>21 correct?</p> <p>22 A. So after several stories about</p> <p>23 Dunleavy's sexual exploits Col Allan digs</p> <p>24 into his pocket, pulls out his BlackBerry</p> <p>25 and hands it to me and he says, "Look," and</p>	<p>1 Guzman</p> <p>2 he smirks and he says, "Look at this," and</p> <p>3 it is a picture of a naked man with his</p> <p>4 genitalia exposed.</p> <p>5 Q. And so Mr. Allan had told several</p> <p>6 stories about Dunleavy at this point?</p> <p>7 A. At this point he had told several</p> <p>8 sexual stories.</p> <p>9 Q. What were the other stories about</p> <p>10 Dunleavy besides the one about the closet?</p> <p>11 A. There was one where Dunleavy slept</p> <p>12 over his house. He had given him keys to</p> <p>13 his apartment and Dunleavy came in the</p> <p>14 middle of the night and when Mr. Allan went</p> <p>15 to the restroom or he heard noise he walked</p> <p>16 into Dunleavy trying to pee in a closet or</p> <p>17 something, something to that effect so he</p> <p>18 may have seen Dunleavy's penis.</p> <p>19 Q. Do you remember any other stories?</p> <p>20 A. And then there was a story,</p> <p>21 something about Dunleavy once -- Dunleavy</p> <p>22 has such a voracious sexual appetite that he</p> <p>23 would probably, to use Mr. Allan's word,</p> <p>24 fuck a woman without limbs or something to</p> <p>25 that effect so there were more. Those were</p>

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<p>1 Guzman</p> <p>2 the three I remember most vividly.</p> <p>3 Q. And then the -- and after those,</p> <p>4 and you stuck around to listen?</p> <p>5 A. I kind of started zoning out after</p> <p>6 the first joke.</p> <p>7 Q. Your feet were still planted on</p> <p>8 the floor?</p> <p>9 A. Yes.</p> <p>10 Q. And you are still there in this</p> <p>11 group, right?</p> <p>12 A. Right. Can you -- you can, your</p> <p>13 feet can be there and you can physically be</p> <p>14 present but you can zone out.</p> <p>15 Q. And by now -- by then you drank</p> <p>16 the second beer, right?</p> <p>17 A. He paid for, he paid a round for</p> <p>18 all the girlfriends and I was drinking my</p> <p>19 second beer.</p> <p>20 Q. Okay. And then you see this</p> <p>21 photograph on his BlackBerry that he shows</p> <p>22 you, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you look at the photograph and</p> <p>25 you make a remark to him about the</p>	<p>1 Guzman</p> <p>2 photograph that is very Chelsea of you,</p> <p>3 right?</p> <p>4 A. Yes. I was creeped out by it. I</p> <p>5 was shocked and baffled.</p> <p>6 Q. Well, but you said "How Chelsea of</p> <p>7 you," that is what you said, right?</p> <p>8 A. It is what I wrote.</p> <p>9 Q. You said this is factual?</p> <p>10 A. I definitely told him that. I may</p> <p>11 have told him other things but I definitely</p> <p>12 told him.</p> <p>13 Q. And Chelsea is a reference to the</p> <p>14 neighborhood that you live in, right?</p> <p>15 A. Yes.</p> <p>16 Q. It is the gay capital of the</p> <p>17 northeast, right?</p> <p>18 A. Yes.</p> <p>19 Q. Those are your words, right?</p> <p>20 A. Yes.</p> <p>21 Q. And you said that in your -- what</p> <p>22 you wrote you said that this would be very</p> <p>23 normal thing do in your neighborhood, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you didn't tell Mr. Allan that</p>
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<p>1 Guzman</p> <p>2 you were offended by the picture, right?</p> <p>3 A. No.</p> <p>4 Q. You didn't tell him that you were</p> <p>5 offended by the stories he was telling,</p> <p>6 right?</p> <p>7 A. No.</p> <p>8 Q. And you could have walked away</p> <p>9 from the bar, right?</p> <p>10 A. You have to understand --</p> <p>11 Q. You could have --</p> <p>12 MR. THOMPSON: Wait.</p> <p>13 THE WITNESS: You have to</p> <p>14 understand --</p> <p>15 BY MR. LERNER:</p> <p>16 Q. You could have walked away from</p> <p>17 the bar, correct?</p> <p>18 A. This is my boss and it was</p> <p>19 pretty -- I was stupefied. This never</p> <p>20 happened to me in my life where my boss, you</p> <p>21 know, would feel free to be so brazen and</p> <p>22 talk about cocks and somebody else's sex</p> <p>23 life and show me pictures of a naked man so</p> <p>24 I was pretty baffled and stupefied. I</p> <p>25 actually don't remember moving from where I</p>	<p>1 Guzman</p> <p>2 was standing.</p> <p>3 Q. The picture was a photograph that</p> <p>4 ran in The New York Post the next day,</p> <p>5 right?</p> <p>6 A. I later learned. At the time I</p> <p>7 didn't know what it was. At the time I</p> <p>8 had -- there was absolutely no reason for</p> <p>9 him to show me the picture so I didn't know</p> <p>10 what it was and either the day later or two</p> <p>11 days later it was published in The Post with</p> <p>12 his genitalia covered.</p> <p>13 Q. When The Post buys a photograph</p> <p>14 they get the whole photograph, right?</p> <p>15 A. Certainly that photograph that he</p> <p>16 showed me wasn't covered up.</p> <p>17 Q. Right. And that is the way the</p> <p>18 photograph was purchased by The Post for</p> <p>19 publication, right?</p> <p>20 MR. THOMPSON: Objection.</p> <p>21 THE WITNESS: I believe so.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. You wrote on the second page here,</p> <p>24 6652, that in the second to last paragraph,</p> <p>25 "Sex talk, sex play, lewd behaviors was the</p>

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<p>1 Guzman</p> <p>2 him?</p> <p>3 MR. THOMPSON: Objection. Asked</p> <p>4 and answered.</p> <p>5 THE WITNESS: You know, I don't</p> <p>6 remember that. I don't even remember</p> <p>7 what Josh Williams looks like.</p> <p>8 BY MR. LERNER:</p> <p>9 Q. If Josh told us that is he lying?</p> <p>10 MR. THOMPSON: Objection.</p> <p>11 THE WITNESS: I don't know because</p> <p>12 he may have me confused with someone</p> <p>13 else. So I don't remember telling Josh</p> <p>14 Williams that.</p> <p>15 BY MR. LERNER:</p> <p>16 Q. You listed Josh Williams as a</p> <p>17 person with knowledge about your case on a</p> <p>18 disclosure form.</p> <p>19 A. So I don't remember what he looks</p> <p>20 like. And I don't remember that exchange</p> <p>21 and that is the God's honest truth.</p> <p>22 Q. Why did you list him as a person</p> <p>23 with knowledge of your case?</p> <p>24 A. Because he works in the</p> <p>25 photography department where his boss would</p>	<p>1 Guzman</p> <p>2 frequently refer to women as -- women</p> <p>3 employees of his as being part of his harem</p> <p>4 so Josh probably witnessed David Boyle</p> <p>5 referring to women as part of a team of</p> <p>6 women who sexually satisfy him, his little</p> <p>7 girlfriends.</p> <p>8 Q. David Boyle didn't sexually harass</p> <p>9 you, right?</p> <p>10 A. He didn't personally sexually</p> <p>11 harass me but he certainly created an</p> <p>12 environment that was sexually hostile.</p> <p>13 Q. But it wasn't something he did in</p> <p>14 your presence, correct?</p> <p>15 A. Well, in my presence he referred</p> <p>16 to his female staff as being part of his</p> <p>17 harem. In my presence to me, David Boyle</p> <p>18 referred to the women that worked for him as</p> <p>19 women who were part of his harem and to me</p> <p>20 that meant that they were there for his</p> <p>21 pleasure.</p> <p>22 Q. And that allegation is not in your</p> <p>23 complaint, correct?</p> <p>24 A. The harem, the sexual -- the</p> <p>25 harem?</p>
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<p>1 Guzman</p> <p>2 Q. What you just testified to.</p> <p>3 A. I believe that I -- what is part</p> <p>4 of my complaint is that David Boyle did</p> <p>5 create -- was part of a pattern of behavior</p> <p>6 displayed by New York Post editors including</p> <p>7 David Boyle who referred to his staff as</p> <p>8 being part of his harem. It is part of the</p> <p>9 complaint. It is absolutely part of the</p> <p>10 complaint.</p> <p>11 Q. You never said in the complaint</p> <p>12 that he referred to women as a harem,</p> <p>13 correct?</p> <p>14 A. It is part of the complaint.</p> <p>15 Q. It is not -- you did not state in</p> <p>16 your complaint that David Boyle referred to</p> <p>17 his -- to women as a harem, correct?</p> <p>18 A. His staff.</p> <p>19 Q. Well, you didn't say that in the</p> <p>20 complaint. You didn't plead that, correct?</p> <p>21 A. As far as I -- my recollection is</p> <p>22 that I did.</p> <p>23 Q. Isn't it a fact this is the first</p> <p>24 time that you are disclosing that allegation</p> <p>25 to anybody?</p>	<p>1 Guzman</p> <p>2 MR. THOMPSON: Objection.</p> <p>3 THE WITNESS: Can I --</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 Answer the question.</p> <p>6 THE WITNESS: Yes -- no, this</p> <p>7 is --</p> <p>8 MR. THOMPSON: You are not asking</p> <p>9 her to disclose any conversations she</p> <p>10 had with counsel, are you, Mr. Lerner,</p> <p>11 right?</p> <p>12 MR. LERNER: Of course not.</p> <p>13 MR. THOMPSON: So make it clear so</p> <p>14 she is not confused.</p> <p>15 THE WITNESS: Right.</p> <p>16 MR. THOMPSON: Because the</p> <p>17 question is confusing.</p> <p>18 BY MR. LERNER:</p> <p>19 Q. Have you ever disclosed this</p> <p>20 allegation about David Boyle making comments</p> <p>21 about a harem in your EEOC charge, in your</p> <p>22 federal complaint, in any interrogatory</p> <p>23 response, in any testimony, in any affidavit</p> <p>24 ever?</p> <p>25 A. Well, I thought I did.</p>

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1 Guzman
2 Q. It is a yes or no question?
3 MR. THOMPSON: She just answered.
4 You just interrupted her.
5 THE WITNESS: I just said I
6 thought I did.
7 BY MR. LERNER:
8 Q. You thought you did in what
9 document?
10 A. In my -- in -- both my original
11 complaint, yes.
12 Q. If you and your counsel identify
13 that in your original complaint maybe you
14 will call our attention to it in a
15 clarification later because it is not there.
16 A. Okay. Okay.
17 Q. When did Mr. Boyle's remark that
18 you overheard or heard him say about a harem
19 allegedly occur?
20 A. On numerous occasions.
21 Q. Numerous occasions?
22 A. Numerous occasions.
23 Q. Okay. Tell us when those numerous
24 occasions were.
25 MR. THOMPSON: Objection.

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1 Guzman
2 floor where his features department, he
3 would boast actually, boast.
4 Q. And when did those occur?
5 A. From the very beginning when he
6 was looking for people to hire, when he
7 introduced me to his new photo assistants,
8 Marie, and Tiffany and Evelyn and Lacey and
9 there is another woman, when he would
10 introduce as the new women would come in he
11 would say, you know, she is, you know --
12 meet the new addition to my harem. He was
13 very boastful about this.
14 Q. So Mr. Riedel sang this offensive
15 song to you every time he walked by your
16 office and Goodstein acted lascivious every
17 time you bumped into him and Boyle made
18 these comments about women he worked with
19 every time you met him in the office, is
20 that your testimony?
21 A. My testimony is that pretty much
22 every time I encountered these guys and you
23 are talking about very different incidents
24 at very different times.
25 Q. Ms. Guzman, aren't you just making

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1 Guzman
2 Let the record reflect that
3 Mr. Lerner has just mocked Ms. Guzman in
4 this deposition. That was totally
5 inappropriate.
6 You need to act professionally,
7 Mr. Lerner.
8 THE WITNESS: Yes, sir.
9 MR. THOMPSON: Do not do that
10 again. I will call the court if you
11 mock Ms. Guzman. She is here to answer
12 your questions not to be mocked by you,
13 sir.
14 BY MR. LERNER:
15 Q. Ms. Guzman --
16 MR. THOMPSON: Don't do that
17 again.
18 BY MR. LERNER:
19 Q. Ms. Guzman, tell us when the
20 numerous occasions that you heard Mr. Boyle
21 say that occurred?
22 A. Well, every time that David Boyle
23 and I would have conversations about
24 photography, about photos, pictures that I
25 needed, or he would come down to the ninth

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1 Guzman
2 this up?
3 MR. THOMPSON: Objection.
4 THE WITNESS: Absolutely not.
5 BY MR. LERNER:
6 Q. Aren't you just lying so you can
7 try to tell a story where you describe a
8 sexually harassing environment when in fact
9 these incidents did not occur?
10 MR. THOMPSON: Objection.
11 THE WITNESS: Absolutely not. I
12 am telling the truth.
13 BY MR. LERNER:
14 Q. Isn't it true you had plenty of
15 dealings with David Boyle and Les Goodstein
16 that didn't involve anything like lascivious
17 conduct or references to the harem?
18 A. I have to tell you, I wish it
19 weren't the truth.
20 Q. And you never asked -- did you
21 ever ask David Boyle to stop referring to
22 the harem?
23 A. No.
24 Q. You never asked Les Goodstein to
25 stop calling you sexy?

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<p>1 Guzman</p> <p>2 A. No.</p> <p>3 Q. You never asked Mr. Riedel to stop</p> <p>4 singing from West Side Story, right?</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 This part of the transcript</p> <p>7 regarding everything in terms of -- you</p> <p>8 can stop the confidential section when</p> <p>9 Mr. Lerner started asking Ms. Guzman</p> <p>10 about Exhibit 34 Bates stamps SG6651 and</p> <p>11 6652.</p> <p>12 BY MR. LERNER:</p> <p>13 Q. And you wrote in your book which</p> <p>14 you call the Latinas bible that you are a</p> <p>15 strong woman who learned early on never to</p> <p>16 take abuse from anybody and to stand up for</p> <p>17 yourself, right?</p> <p>18 MR. THOMPSON: Objection. Asked</p> <p>19 and answered.</p> <p>20 THE WITNESS: I keep learning that</p> <p>21 lesson.</p> <p>22 BY MR. LERNER:</p> <p>23 Q. You wrote that, right?</p> <p>24 A. Yes.</p> <p>25 Q. And you have told women that that</p>	<p>1 Guzman</p> <p>2 is how they should live their lives, right?</p> <p>3 MR. THOMPSON: Objection. Asked</p> <p>4 and answered at the last deposition.</p> <p>5 BY MR. LERNER:</p> <p>6 Q. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. And you endeavored to live your</p> <p>9 life that way, correct?</p> <p>10 A. I try as much as I could.</p> <p>11 Sometimes I don't. Sometimes fear comes</p> <p>12 into my heart. Sometimes I am afraid to</p> <p>13 lose my job and so I try to the best of my</p> <p>14 ability.</p> <p>15 Sometimes the situation is more</p> <p>16 overwhelming and I am not as strong as I</p> <p>17 want to be but I aspire to be strong in the</p> <p>18 face of sexual harassment and</p> <p>19 discrimination.</p> <p>20 Q. And you told Les Goodstein that he</p> <p>21 should stop saying Cha-Cha when you didn't</p> <p>22 like that, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you told Col Allan that you</p> <p>25 thought it was a mistake for the paper to</p>
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<p>1 Guzman</p> <p>2 cancel the Harlem Week section because you</p> <p>3 thought it would be bad for the paper's</p> <p>4 relationship with the minority community,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Did David Boyle ever do anything</p> <p>8 to threaten you?</p> <p>9 A. I don't understand the question.</p> <p>10 Threaten me how?</p> <p>11 Q. Did David Boyle ever threaten you?</p> <p>12 A. Threaten me, how?</p> <p>13 Q. In any way.</p> <p>14 A. I found his comments about his</p> <p>15 talented female staffers unprofessional.</p> <p>16 Q. Did he ever threaten you?</p> <p>17 A. Threaten me like -- I don't</p> <p>18 understand.</p> <p>19 Q. If you complain I will do</p> <p>20 something to harm your career, that kind of</p> <p>21 thing?</p> <p>22 A. No.</p> <p>23 Q. Was he your supervisor?</p> <p>24 A. No.</p> <p>25 Q. I am going to put before you a</p>	<p>1 Guzman</p> <p>2 document marked Guzman Exhibit 35.</p> <p>3 (Document Bates numbered SG2341</p> <p>4 through 2345 was marked Guzman Exhibit 35</p> <p>5 for identification)</p> <p>6 BY MR. LERNER:</p> <p>7 Q. It is Bates numbered SG2341</p> <p>8 through 2345.</p> <p>9 Ms. Guzman, I am going to</p> <p>10 represent to you that this is an excerpt</p> <p>11 from one of your handwritten journals.</p> <p>12 If you look at the first page it</p> <p>13 has a date of Tuesday, 9/27?</p> <p>14 A. Yes.</p> <p>15 Q. And if you look at the last page</p> <p>16 it has a date of Wednesday, 9/28.</p> <p>17 I am going represent to you that</p> <p>18 9/27 and 9/28 were Tuesday and Wednesday in</p> <p>19 the year 2005. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. So would you -- you don't have to</p> <p>22 accept that representation but you can -- my</p> <p>23 question to you is do you know what year you</p> <p>24 wrote these notes?</p> <p>25 MR. THOMPSON: What notes? All in</p>

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<p>1 Guzman</p> <p>2 Q. Okay. Take a look, if you would,</p> <p>3 at the first page of Exhibit 36?</p> <p>4 A. Okay.</p> <p>5 Q. Which is entitled "Hispanic</p> <p>6 Readers." And it shows a graph of Hispanic</p> <p>7 readership starting in March 2003 and going</p> <p>8 to March 2009.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And it shows Hispanic readership</p> <p>12 of 248,810 in March 2003 and 238,768 in</p> <p>13 March of 2009.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. If you go to the next page it is</p> <p>17 entitled, "New York Post Hispanic Reader</p> <p>18 Trend." And it starts in year 2003 with</p> <p>19 284,000 and it ends in '09 with 239,000 and</p> <p>20 change.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. So, Ms. Guzman, Hispanic</p> <p>24 readership during your time at The Post</p> <p>25 began and ended roughly at the same numbers,</p>	<p>1 Guzman</p> <p>2 correct?</p> <p>3 A. Yes. That is what it shows here.</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 Misstates this document.</p> <p>6 THE WITNESS: But see --</p> <p>7 MR. THOMPSON: Mr. Lerner, you</p> <p>8 just misstated the document.</p> <p>9 BY MR. LERNER:</p> <p>10 Q. You are right. I misstated it.</p> <p>11 It actually started at 284,000 and</p> <p>12 ended 50,000 lower, 239,000; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So that aspect of your job by 2009</p> <p>16 you had not actually achieved an increase in</p> <p>17 Hispanic relationship for 2009, correct?</p> <p>18 A. It is very difficult to achieve it</p> <p>19 when you don't control the headlines, when</p> <p>20 you don't make decisions about how to write</p> <p>21 the headlines that may be deemed</p> <p>22 inappropriate or racist by readers.</p> <p>23 It is hard to do a good job when</p> <p>24 bodega owners are refusing to carry The New</p> <p>25 York Post because they find it offensive and</p>
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<p>1 Guzman</p> <p>2 racist so it is very difficult to do my job</p> <p>3 when the editor is approving stories that</p> <p>4 may be deemed racist and inappropriate to</p> <p>5 the readership.</p> <p>6 Q. What is the basis of your claim in</p> <p>7 light of what you have just said that you --</p> <p>8 your -- you were able to increase Hispanic</p> <p>9 readership at The Post by 40 percent when</p> <p>10 you were there?</p> <p>11 A. Because to me Haiman gave me that</p> <p>12 information. Haiman was in charge of the</p> <p>13 Tempo sales during my time there so she was</p> <p>14 the one that actually gave me information.</p> <p>15 Q. Did she give it to you -- what did</p> <p>16 she tell you?</p> <p>17 A. She said that the efforts at Tempo</p> <p>18 were panning out.</p> <p>19 Q. When did she say that?</p> <p>20 A. When I worked there.</p> <p>21 Q. When did she leave?</p> <p>22 A. I think she left in 2007 or '8. I</p> <p>23 am not really sure.</p> <p>24 Q. So a year or two before you left,</p> <p>25 right?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. When did she tell you the words</p> <p>4 that your -- Tempo efforts were panning out?</p> <p>5 A. She would say we have -- the</p> <p>6 paper's Hispanic readership is increasing</p> <p>7 and I think she was actually particularly</p> <p>8 talking about a specific segment of the</p> <p>9 readership. I don't think this is the</p> <p>10 entire universe of the Scarborough report.</p> <p>11 This might be -- there might be a breakdown</p> <p>12 of the ages so she might be referring to a</p> <p>13 specific age bracket which is what the</p> <p>14 advertisers were looking for.</p> <p>15 Q. So it is possible that she was</p> <p>16 only referring to a particular subset of</p> <p>17 Hispanic readers?</p> <p>18 A. Exactly. Exactly.</p> <p>19 Q. And did she use the number</p> <p>20 40 percent or did she say the words increase</p> <p>21 or pan out?</p> <p>22 A. She may have used the number 40</p> <p>23 percent.</p> <p>24 Q. Do you have a specific</p> <p>25 recollection as you sit here today of her</p>

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<p>1 Guzman</p> <p>2 saying the number 40 percent?</p> <p>3 A. I don't have a specific</p> <p>4 recollection. I can tell you that she may</p> <p>5 have said this during our conversations</p> <p>6 about the efforts to increase readership.</p> <p>7 Q. But your best recollection today</p> <p>8 is that she said they increased and the</p> <p>9 efforts were panning out?</p> <p>10 A. Yes.</p> <p>11 Q. You are not sure what age group</p> <p>12 she was talking about?</p> <p>13 A. I am not sure what age group.</p> <p>14 Q. So why did you swear in your</p> <p>15 pleadings that you increased Hispanic</p> <p>16 readership by 40 percent?</p> <p>17 A. Because that is what I was led to</p> <p>18 believe.</p> <p>19 Q. Ms. Guzman, you are aware that by</p> <p>20 2009 Tempo was not turning a profit,</p> <p>21 correct?</p> <p>22 A. I was told, yes.</p> <p>23 Q. And overall Hispanic readership</p> <p>24 you are seeing is roughly down from even</p> <p>25 2003, right?</p>	<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. So -- and you were making \$137,000</p> <p>4 in 2009, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So in light of those facts what</p> <p>7 would the economic justification to The New</p> <p>8 York Post have been keeping you in your job?</p> <p>9 A. I was editing many other sections,</p> <p>10 I was contributing to other parts of the</p> <p>11 paper.</p> <p>12 Q. Didn't many of the sections, the</p> <p>13 special sections that you edited in 2009</p> <p>14 besides Tempo also close down?</p> <p>15 A. Not while I was there.</p> <p>16 Q. Didn't Harlem Week close?</p> <p>17 A. It didn't close. They weren't</p> <p>18 able to publish one in The New York Post but</p> <p>19 it was published in the community papers</p> <p>20 that News Corp. owned.</p> <p>21 Q. So you believe that the economic</p> <p>22 justification for your continued employment</p> <p>23 would have been to continue editing several</p> <p>24 special sections?</p> <p>25 MR. THOMPSON: Objection.</p>
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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. Is that correct?</p> <p>4 MR. THOMPSON: Objection.</p> <p>5 THE WITNESS: The New York Post I</p> <p>6 believe doesn't turn a profit and it</p> <p>7 continues to publish so there is already</p> <p>8 a philosophy of publishing a paper even</p> <p>9 though it doesn't turn a profit.</p> <p>10 And when I first started working</p> <p>11 on one of the sections, Tempo, the paper</p> <p>12 wasn't making a profit out of Tempo. It</p> <p>13 was much -- when Lockland Murdoch</p> <p>14 decided to launch, to create this, it</p> <p>15 wasn't about profit as told to me. It</p> <p>16 was about creating an environment where</p> <p>17 Hispanic readers felt that this paper</p> <p>18 was friendly to them and cared about</p> <p>19 them and covered the community.</p> <p>20 So justification for closing down</p> <p>21 Tempo, you know if we are going to</p> <p>22 follow that logic then why not close the</p> <p>23 newspaper? The paper does not make</p> <p>24 money. It does not make a profit. It</p> <p>25 loses.</p>	<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. So The Post should continue --</p> <p>4 your position is The Post should continue to</p> <p>5 employ you to publish a section that they</p> <p>6 are shutting down and continue to employ you</p> <p>7 even though you are having no impact on</p> <p>8 overall Hispanic readership?</p> <p>9 MR. THOMPSON: Objection.</p> <p>10 THE WITNESS: So the paper</p> <p>11 continues to employ Col Allen even</p> <p>12 though the paper loses money every year.</p> <p>13 BY MR. LERNER:</p> <p>14 Q. Would there be a New York Post</p> <p>15 without Col Allan, Ms. Guzman?</p> <p>16 A. Yes. If it is financed by Rupert</p> <p>17 Murdoch.</p> <p>18 Q. Were you present with Pucci Meyer</p> <p>19 at any time where she met with the human</p> <p>20 resources department or the legal</p> <p>21 department?</p> <p>22 A. No.</p> <p>23 Q. Do you have any personal knowledge</p> <p>24 of Pucci Meyer's discussions with the HR</p> <p>25 department or the legal department?</p>

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<p>1 Guzman</p> <p>2 MR. LERNER: It is your witness --</p> <p>3 your witness is perjuring herself.</p> <p>4 MR. THOMPSON: That is false.</p> <p>5 Mr. Lerner, you have an obligation</p> <p>6 to conduct yourself professionally in a</p> <p>7 deposition. You do not have a right to</p> <p>8 raise your voice at Ms. Guzman or at any</p> <p>9 other witness. I asked you before not</p> <p>10 to do that. I am asking you again to</p> <p>11 stop that improper conduct.</p> <p>12 If you want to talk to me I can</p> <p>13 talk to you but you have no right to</p> <p>14 raise your voice at her so stop it.</p> <p>15 MR. LERNER: You need to counsel</p> <p>16 your witness she is under oath.</p> <p>17 MR. THOMPSON: I don't need to do</p> <p>18 anything but represent her.</p> <p>19 MR. LERNER: She cannot perjure</p> <p>20 herself.</p> <p>21 MR. THOMPSON: You need to stop</p> <p>22 trying to badger her and falsely accuse</p> <p>23 her. She is not your child. She is a</p> <p>24 grown woman so don't raise your voice at</p> <p>25 her. Again, if you want to talk, let's</p>	<p>1 Guzman</p> <p>2 talk.</p> <p>3 MR. LERNER: Let's go outside.</p> <p>4 MR. THOMPSON: Let's go outside.</p> <p>5 THE VIDEOGRAPHER: The time is</p> <p>6 2:20. We are going off the record.</p> <p>7 (Discussion off the record)</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 2:24 p.m.</p> <p>10 We are back on the record.</p> <p>11 BY MR. LERNER:</p> <p>12 Q. Ms. Guzman, you cannot recall for</p> <p>13 how long Mr. Riedel sang West Side Story</p> <p>14 songs in your presence, correct?</p> <p>15 A. No.</p> <p>16 Q. No, you cannot recall, right?</p> <p>17 A. I cannot recall how many times.</p> <p>18 Q. You cannot recall how many days or</p> <p>19 weeks it went on for, correct?</p> <p>20 A. I cannot recall how many days or</p> <p>21 weeks.</p> <p>22 Q. Can you recall --</p> <p>23 A. I can --</p> <p>24 MR. THOMPSON: Are you finished?</p> <p>25</p>
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<p>1 Guzman</p> <p>2 BY MR. LERNER:</p> <p>3 Q. -- when the last time was?</p> <p>4 MR. THOMPSON: Were you finished</p> <p>5 with your last answer?</p> <p>6 THE WITNESS: I cannot recall when</p> <p>7 the last time it was.</p> <p>8 And all I can tell you if you are</p> <p>9 asking me to recollect is that he on</p> <p>10 numerous occasions would either walk by</p> <p>11 my office or peek in and sing the West</p> <p>12 Side Story in a thick Spanish accent.</p> <p>13 BY MR. LERNER:</p> <p>14 Q. Can you recall other than the</p> <p>15 specific incidents that you have described</p> <p>16 you encountered with Les Goodstein engaging</p> <p>17 in conduct that was objectionable can you</p> <p>18 recall any other specific incidents where</p> <p>19 Les Goodstein interacted with you with</p> <p>20 conduct that was objectionable?</p> <p>21 A. Other than the ones I have</p> <p>22 already --</p> <p>23 Q. Correct.</p> <p>24 A. I can't think of anymore at this</p> <p>25 time.</p>	<p>1 Guzman</p> <p>2 Q. Have you reviewed a complaint by</p> <p>3 an individual named Mary McLoughlin?</p> <p>4 A. Not -- no.</p> <p>5 Q. Do you know who Mary McLoughlin</p> <p>6 is?</p> <p>7 A. That name sounds familiar.</p> <p>8 Q. I am going to show you a document</p> <p>9 marked -- there aren't going to be any</p> <p>10 questions about the document.</p> <p>11 MR. THOMPSON: Is it going to be</p> <p>12 an exhibit, Mark?</p> <p>13 MR. LERNER: No.</p> <p>14 BY MR. LERNER:</p> <p>15 Q. Ms. Guzman, you know an individual</p> <p>16 named Oscar Montez de Oca, correct?</p> <p>17 A. Yes.</p> <p>18 Q. In early 2007 you sent him an</p> <p>19 e-mail asking him to contact you about your</p> <p>20 attendance at the inaugural ball, correct?</p> <p>21 A. May I see that e-mail?</p> <p>22 Q. Did you call -- did you contact</p> <p>23 Oscar Montez de Oca to ask him to call you</p> <p>24 about the fact that you were attending the</p> <p>25 inaugural ball?</p>

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<p>1 Guzman</p> <p>2 A. They have been used, the photos</p> <p>3 were used for the jacket of my -- actually,</p> <p>4 no, I don't think they have been used. I</p> <p>5 can't recall now if they have been used</p> <p>6 professionally.</p> <p>7 The intention was to use them for</p> <p>8 promotional purposes for my author and</p> <p>9 speaker appearances.</p> <p>10 Q. You were criticized for what you</p> <p>11 spent on the legends of salsa music photo</p> <p>12 shoot, correct?</p> <p>13 A. I was berated, yes.</p> <p>14 Q. You were criticized?</p> <p>15 A. I was berated. You call it</p> <p>16 criticized. I was berated, unfairly</p> <p>17 berated.</p> <p>18 Q. Did The Post reimburse you for all</p> <p>19 the expenses that were incurred on that</p> <p>20 photo shoot?</p> <p>21 A. No.</p> <p>22 Q. What expenses were not reimbursed?</p> <p>23 A. Probably my transportation to and</p> <p>24 from the different interviews and meetings I</p> <p>25 had in coordinating, it was a pretty large</p>	<p>1 Guzman</p> <p>2 photo shoot, pretty historic too.</p> <p>3 Q. Do you have an accounting of the</p> <p>4 expenses that were not reimbursed?</p> <p>5 A. Cabs, I am talking about cabs.</p> <p>6 Q. Taxicabs?</p> <p>7 A. Yes.</p> <p>8 Q. Yellow cabs?</p> <p>9 A. Yes.</p> <p>10 Q. Did you put in for those?</p> <p>11 A. I don't. I didn't put in for</p> <p>12 those.</p> <p>13 Q. The expenses that you did put in</p> <p>14 for were those reimbursed?</p> <p>15 A. The ones that I put in for, yes,</p> <p>16 the invoices, yes.</p> <p>17 MR. THOMPSON: Let the record</p> <p>18 reflect this subject is an old subject</p> <p>19 that could have been covered back in</p> <p>20 October early this morning within the</p> <p>21 hour-and-a-half time frame the judge</p> <p>22 gave to the defendants.</p> <p>23 BY MR. LERNER:</p> <p>24 Q. Ms. Guzman, you recently</p> <p>25 identified Richard Johnson and Colin Myer as</p>
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<p>1 Guzman</p> <p>2 persons with knowledge of your claims. In</p> <p>3 what respect do they have knowledge of your</p> <p>4 claims?</p> <p>5 A. Do you mean Colin Myler? Not</p> <p>6 Myer. Myler?</p> <p>7 Q. Yes. Colin Myler.</p> <p>8 A. Earlier you showed me a sketch of</p> <p>9 the conference room where the news meetings</p> <p>10 are held.</p> <p>11 Q. Yes.</p> <p>12 A. And I had a sketch of the people</p> <p>13 who were present in that meeting where Col</p> <p>14 Allan decided to begin talking about his</p> <p>15 visits to Scores and talk about strippers</p> <p>16 and talk about his visits to strip joints</p> <p>17 and Colin Myler was part of the conversation</p> <p>18 and so was Richard Johnson. In fact, I know</p> <p>19 that they visited Scores with Col Allan and</p> <p>20 they would often talk about those visits</p> <p>21 during news meetings. And so --</p> <p>22 Q. That is why they are on the</p> <p>23 disclosure?</p> <p>24 A. That is why they are on. Yes.</p> <p>25 Q. Supreme Court Justice Sonia</p>	<p>1 Guzman</p> <p>2 Sotomayor is a close friend of yours,</p> <p>3 correct?</p> <p>4 A. She is a close friend, yes.</p> <p>5 Q. You requested to cover two</p> <p>6 Washington events relating to her</p> <p>7 appointment to the Supreme Court, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you think it was appropriate</p> <p>10 for you as a friend of hers to be reporting</p> <p>11 about her?</p> <p>12 A. Well, it was a legitimate news</p> <p>13 story and I had insight that none of the</p> <p>14 reporters at The Post had and they did as</p> <p>15 soon as they found out that she was</p> <p>16 nominated to be, my editors began to call me</p> <p>17 to pump information about Sonia.</p> <p>18 Q. My question was would it be</p> <p>19 appropriate for you to report about a</p> <p>20 friend?</p> <p>21 A. It depends on the context of the</p> <p>22 story. I can't answer that.</p> <p>23 Q. Weren't you biased about her given</p> <p>24 that you have a long-time friendship with</p> <p>25 her?</p>

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<p>1 Guzman</p> <p>2 A. I have inside information that</p> <p>3 could be legitimate -- that could make it a</p> <p>4 very compelling news story.</p> <p>5 Q. Do you have a bias in her favor</p> <p>6 because of your long-time friendship?</p> <p>7 A. I love Sonia Sotomayor.</p> <p>8 Q. So you are biased in her favor,</p> <p>9 correct?</p> <p>10 A. I love her, yes.</p> <p>11 Q. Have you ever covered the Supreme</p> <p>12 Court as a reporter?</p> <p>13 A. No.</p> <p>14 Q. Do you know who the chief justice</p> <p>15 of the Supreme Court is?</p> <p>16 A. Yes.</p> <p>17 Q. Who?</p> <p>18 A. Roberts.</p> <p>19 Q. Can you name any of the other</p> <p>20 justices?</p> <p>21 MR. THOMPSON: Objection.</p> <p>22 Objection.</p> <p>23 THE WITNESS: Well, I can tell you</p> <p>24 that Kennedy and Scalia and Alito and</p> <p>25 Thomas and Ruth Bader Ginsburg and now</p>	<p>1 Guzman</p> <p>2 Elena Kagan and in fact they were going</p> <p>3 to be at this private reception that I</p> <p>4 was going have access to.</p> <p>5 BY MR. LERNER:</p> <p>6 Q. The reception that you -- that you</p> <p>7 did not attend?</p> <p>8 A. The reception that I attended on</p> <p>9 my own time paying my own money that I would</p> <p>10 have been able to report on and gotten</p> <p>11 really great information because it wasn't</p> <p>12 just about Sonia. The President was there</p> <p>13 at this reception, President Obama and so</p> <p>14 was Michelle Obama.</p> <p>15 Q. Ms. Guzman, the question was did</p> <p>16 you attend that reception?</p> <p>17 A. I did.</p> <p>18 Q. Okay. In your complaint you</p> <p>19 stated that you believed you were retaliated</p> <p>20 against by being reduced a level in your</p> <p>21 performance evaluation in 2009, right?</p> <p>22 A. In my review, yes.</p> <p>23 Q. Were you aware that you were also</p> <p>24 reduced one level in your performance</p> <p>25 evaluation in 2008?</p>
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<p>1 Guzman</p> <p>2 A. Yes.</p> <p>3 Q. And do you know why you were</p> <p>4 reduced in 2008?</p> <p>5 A. The evaluations are two-fold. So</p> <p>6 the employee does a self-evaluation.</p> <p>7 Q. Ms. Guzman --</p> <p>8 A. Right. I am trying explain the</p> <p>9 context.</p> <p>10 Q. I withdraw the question.</p> <p>11 A. Okay.</p> <p>12 Q. Did you have any conversations</p> <p>13 with anybody who was responsible for</p> <p>14 reducing your evaluation rating about why</p> <p>15 they did it?</p> <p>16 MR. THOMPSON: What year?</p> <p>17 Objection.</p> <p>18 MR. LERNER: 2008.</p> <p>19 MR. THOMPSON: Okay. Withdrawn.</p> <p>20 THE WITNESS: Can I see the</p> <p>21 evaluation?</p> <p>22 BY MR. LERNER:</p> <p>23 Q. No.</p> <p>24 A. Why not? I need to see who wrote</p> <p>25 it.</p>	<p>1 Guzman</p> <p>2 Q. Repeat the question. We will take</p> <p>3 it one question at a time.</p> <p>4 A. Okay.</p> <p>5 Q. You said you did have a</p> <p>6 conversation about somebody who reduced</p> <p>7 your -- with somebody about the reduction of</p> <p>8 your rating, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Who?</p> <p>11 A. And I am telling you that I don't</p> <p>12 right now remember who was supervising me in</p> <p>13 2008. Maybe it was Joe Rabinowitz, maybe it</p> <p>14 was Chris Shaw, so I needed to refresh,</p> <p>15 recollect my memory. So if you showed me</p> <p>16 the document I could see.</p> <p>17 Q. In 2008 your review was done by</p> <p>18 Joe Rabinowitz.</p> <p>19 A. Okay.</p> <p>20 Q. What did he tell you about the</p> <p>21 reduction of your rating in 2008?</p> <p>22 A. Well, Joe Rabinowitz told me that,</p> <p>23 you know, he felt that this was a more clear</p> <p>24 number for me. He didn't tell me that I was</p> <p>25 doing a poor job. It was just that, you</p>